

TTAB

Ex. Mail No. EV241979653US

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE BEFORE THE TRADEMARK
TRIAL AND APPEAL BOARD**

Prairie Island Indian Community,
a federally recognized Indian Tribe,

Plaintiff,

v.

Treasure Island Corp.,

Defendant.

Opposition Nos. 91115866
and 91157981

Cancellation Nos. 92028126;
92028127; 92028130; 92028133;
92028145; 92028155; 92028171;
92028174; 92028199; 92028248;
92028280; 92028294; 92028314;
92028319; 92028325; 92028342;
and 92028379 (as consolidated)

*Note: the enclosed motion is to be filed in the parent case relevant to these proceedings,
namely Opposition No. 91115866*

LETTER

TRADEMARK TRIAL AND APPEAL BOARD
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA VA 22313-1451

Dear Trademark Trial and Appeal Board:

Enclosed herewith are the following documents:

1. PETITIONER'S/OPPOSER'S MOTION FOR SUMMARY JUDGMENT;
2. EXHIBITS A-T RELVANT TO THIS MOTION;
3. CERTIFICATE OF SERVICE ON RICHARD COSTELLO; and
4. EXPRESS MAIL CERTIFICATE UNDER NO. EV241979653US.



03-11-2005

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #72

Trademark Trial and Appeal Board
March 11, 2005
Page 2

Ex. Mail No. EV241979653US

***PLEASE NOTE THAT THIS DOCUMENT SHOULD BE FILED IN THE PARENT CASE
RELEVANT TO THESE CONSOLIDATED PROCEEDINGS, NAMELY OPPOSITION NO.
91115866.***

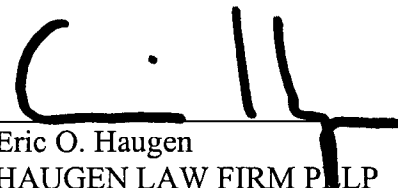
The Commissioner is authorized to charge any additional fees or refund any overpayment which may be required by this paper to Deposit Account No. 50-0789.

Of course, contact the undersigned with any questions you may have regarding the above.

Respectfully submitted,

HAUGEN LAW FIRM PLLP

Date: March 11, 2005



Eric O. Haugen
HAUGEN LAW FIRM PLLP
121 S. Eighth Street
1130 TCF Tower
Minneapolis, MN 55402
Telephone: (612) 339-8300

Joseph F. Halloran
JACOBSON, BUFFALO, SCHOESSLER
& MAGNUSON LTD.
1360 Energy Park Drive
Suite 210
St. Paul, MN 55108
(651)644-4710

Attorney(s) for Petitioner/Opposer
Prairie Island Indian Community,
a Federally Recognized Indian Tribe

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

Prairie Island Indian Community,
a federally recognized Indian Tribe,

Opposition Nos. 9115866
and 91157981

Plaintiff,

v.

Treasure Island Corp.,

Defendant.

Cancellation Nos. 92028126;
92028127; 92028130; 92028133;
92028145; 92028155; 92028171;
92028174; 92028199; 92028248;
92028280; 92028294; 92028314;
92028319; 92028325; 92028342;
and 92028379 (as consolidated)

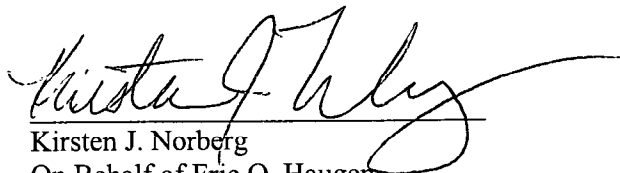
CERTIFICATE OF MAILING VIA EXPRESS MAIL

TRADEMARK TRIAL AND APPEAL BOARD
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA VA 22313-1451

Sir:

I hereby certify that the attached PETITIONER'S/OPPOSER'S MOTION FOR SUMMARY JUDGMENT EXHIBITS A-T RELEVANT TO THIS MOTION, and CERTIFICATE OF MAILING in connection with the above-identified matter is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to BOX TTAB, Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, under Express Mail Label No. EV241979653US on March 11, 2005.

Date: March 11, 2005


Kirsten J. Norberg
On Behalf of Eric O. Haugen
HAUGEN LAW FIRM PLLP
121 S. Eighth Street, #1130
Minneapolis, MN 55402

Attorney for Petitioner/Opposer
Prairie Island Indian Community,
a Federally Recognized Indian Tribe

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

Prairie Island Indian Community,
a federally recognized Indian Tribe,

Opposition Nos. 91115866
and 91157981

Plaintiff,

v.

Treasure Island Corp.,

Defendant.

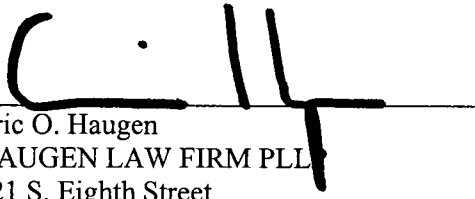
Cancellation Nos. 92028126;
92028127; 92028130; 92028133;
92028145; 92028155; 92028171;
92028174; 92028199; 92028248;
92028280; 92028294; 92028314;
92028319; 92028325; 92028342;
and 92028379 (as consolidated)

CERTIFICATE OF SERVICE

TRADEMARK TRIAL AND APPEAL BOARD
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA VA 22313-1451

I hereby certify that a true copy of the foregoing PETITIONER'S/OPPOSER'S MOTION FOR SUMMARY JUDGMENT, and EXHIBITS A-T Relevant thereto were served on Treasure Island Corp., c/o R. Richard Costello, of Quirk & Tratos, 3773 Howard Hughes Parkway, Suite 500 North, Las Vegas, NV 89109, Attorney for Applicant, by first class mail, postage prepaid, on March 11, 2005.

Dated: March 11, 2005


Eric O. Haugen
HAUGEN LAW FIRM PLLC
121 S. Eighth Street
1130 TCF Tower
Minneapolis, MN 55402
Telephone: (612) 339-8300

Attorney for Petitioner/Opposer
Prairie Island Indian Community,
a Federally Recognized Indian Tribe

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

Prairie Island Indian Community,
a federally recognized Indian Tribe,

Opposition Nos. 91115866
and 91157981

Plaintiff,

v.

Treasure Island Corp.,

Defendant.

Cancellation Nos. 92028126;
92028127; 92028130; 92028133;
92028145; 92028155; 92028171;
92028174; 92028199; 92028248;
92028280; 92028294; 92028314;
92028319; 92028325; 92028342;
and 92028379 (as consolidated)

TRADEMARK TRIAL AND APPEAL BOARD
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA VA 22313-1451

PETITIONER'S/OPPOSER'S MOTION FOR SUMMARY JUDGMENT

Petitioner/Opposer, Prairie Island Indian Community hereby moves this Board for an order granting summary judgment in Petitioner's/Opposer's favor pursuant to 37 C.F.R. §2.127, Trademark Trial and Appeal Board Manual of Procedure §528, and Rule 56 of the Federal Rules of Civil Procedure. The basis for this motion is set forth in the memorandum below.

PETITIONER'S/OPPOSER'S MEMORADUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Petitioner/Opposer Prairie Island Indian Community (hereinafter "Plaintiff") brings this motion for summary judgment relevant to its petition for cancellation of U.S. Reg. No. 2,010,396 on the mark TREASURE ISLAND AT THE MIRAGE (hereinafter "the '396 registration"), registered for use in connection with "casino services". The '396 registration is owned by

Treasure Island Corporation out of Las Vegas, Nevada (hereinafter "Defendant"). It issued on October 22, 1996. A copy of the relevant registration is attached hereto as Exhibit A.

The instant proceeding was instituted by Plaintiff in October of 1998. Several different cancellation proceedings as well as two oppositions, all concerning TREASURE ISLAND-based registrations issued in the name of Defendant, have been consolidated into a single proceeding. Plaintiff, in every one of the consolidated cases, asserts likelihood of confusion and priority of use. The present motion concerns only the '396 registration. A copy of Plaintiff's Petition for Cancellation relevant to this registration is attached hereto as Exhibit B.

I. BACKGROUND

Plaintiff is Federally recognized Indian Community located in Red Wing, Minnesota. In February of 1984, Plaintiff's gaming establishment opened its doors for the first time. During the time period of February 1984 through December 31st of 1989, Plaintiff was known as ISLAND BINGO. In January of 1990, Plaintiff began offering casino services under the mark TREASURE ISLAND. As stated by Cindy Flemke, administrative assistant to Plaintiff's general manager:

They renamed the facility as of 1/1/90 TREASURE ISLAND, they closed for two weeks to do extensive remodeling. They had an employee meeting on January 18, then on January 19 they reopened the facility with construction complete, or remodeling complete.

This portion of Ms. Flemke's deposition transcript is submitted as Exhibit C. *See also* Exhibit D which are portions of exhibits to the Flemke deposition which evidence 1990-1991 uses of the TREASURE ISLAND mark by Plaintiff, and Exhibit E which is a copy of Plaintiff's July 22, 1992 Minnesota State Registration on its TREASURE ISLAND mark.

On July 23, 1993, over three and a half years after Plaintiff began offering its casino services under the TREASURE ISLAND mark, the application which led to the '396

registration, was filed by Defendant on an intent-to-use basis. Defendant's first use of the TREASURE ISLAND AT THE MIRAGE mark, both anywhere and in commerce, was on October 26, 1993. The '396 registration issued on October 22, 1996. *See* Exhibit A.

Plaintiff's services and those at issue in the '396 application are identical: casino services. *See* Exhibit D and Exhibit F, promotional materials demonstrating these services offered by Plaintiff, as well as Exhibit E, the Minnesota State Registration which aptly calls out Plaintiff's services as "casino and related gaming services".

Thus, it is undisputed that Plaintiff first offered its casino services under the TREASURE ISLAND mark during January of 1990. Defendant, on the other hand, applied for registration of the '396 mark in July of 1993, first offered the casino services under the TREASURE ISLAND AT THE MIRAGE mark in October of 1993, and obtained its registration relevant to the mark in October of 1996.

II. DISCUSSION

A. Summary Judgment Standard

Summary judgment is proper in this case if Plaintiff establishes that there are no genuine issues of material fact which require resolution at trial, and that it is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c). When resolution of an issue will effect the outcome of the proceeding under governing law, that issue is considered to be material. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A factual dispute which will not alter this Board's decision on the legal issue will not prevent entry of summary judgment in Plaintiff's favor. *See Kellogg Co. v. Pack'Em Enterprises Inc.*, 951 F. 3d 330, 21 USPQ 2d 1142 (Fed. Cir. 1991).

In the instant case, as discussed in detail below, there are no genuine issues of material fact which require resolution at trial. Therefore Plaintiff is entitled to summary judgment.

B. Likelihood of Confusion Analysis

1. TREASURE ISLAND is the Dominant Portion of Defendant's Mark

As a preliminary matter, it is extremely important that this Board be aware of certain admissions which Defendant has proffered in response to Requests for Admissions served by Plaintiff. In particular, Plaintiff alerts this Board to the following admissions made in REGISTRANTS RESPONSES TO PETITIONERS SECOND REQUESTS FOR ADMISSIONS (Exhibit G).

Plaintiff's Request for Admission No. 4 and Defendant's response to the same, with emphasis added, are as follows:

REQUEST FOR ADMISSION NO. 4:

The marks TREASURE ISLAND as used in connection with casino services and TREASURE ISLAND AT THE MIRAGE as used in connection with casino services create the same commercial impression.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 4:

Registrant objects to this request on the ground that is vague and ambiguous as to the use referred to. Without waiving said objection, registrant responds as follows: deny, but admit that the mark TREASURE ISLAND as formerly used by GNLV, Corp. and the Mirage Casino-Hotel *and the dominant part of the mark TREASURE ISLAND AT THE MIRAGE as used by registrant are the same: TREASURE ISLAND.*

Request for Admission No. 7 and Defendant's response to the same, with emphasis added, are as follows:

REQUEST FOR ADMISSION NO. 7:

The mark depicted in U.S. Registration 2,010,396 (TREASURE ISLAND AT THE MIRAGE) has never been used by GNLV, Corp. in connection with slot machines.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 7

Registrant objects to this request on the grounds that it is vague and ambiguous. Without waiving said objection, registrant responds as follows: deny, but admit that GNLV, Corp.

used the TREASURE ISLAND mark in connection with slot machines, and *"Treasure Island" is the dominant part of the mark TREASURE ISLAND AT THE MIRAGE.*

Request for Admission No. 8 and Defendant's response to the same, with emphasis added, are as follows:

REQUEST FOR ADMISSION NO. 8:

The mark depicted in U.S. Registration 2,010,396 (TREASURE ISLAND AT THE MIRAGE) has never been used by GNLV, Corp. in connection with slot machines at the Golden Nugget Hotel & Casino in Las Vegas, Nevada.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 8

Registrant objects to this request on the grounds that it is vague and ambiguous. Without waiving said objection, registrant responds as follows: deny, but admit that GNLV, Corp. used the TREASURE ISLAND mark in connection with slot machines at the Golden Nugget Hotel & Casino, and *"Treasure Island" is the dominant part of the mark TREASURE ISLAND AT THE MIRAGE.*

Request for Admission No. 9 and Defendant's response to the same, with emphasis added, are as follows:

REQUEST FOR ADMISSION NO. 9:

The mark depicted in U.S. Registration 2,010,396 (TREASURE ISLAND AT THE MIRAGE) has never been used by GNLV, Corp. in connection with slots merchandising services.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 9

Registrant objects to this request on the grounds that it is vague and ambiguous. Without waiving said objection, registrant responds as follows: deny but, but admit that GNLV, Corp. used the TREASURE ISLAND mark in connection with slot machines and their promotion, and *"Treasure Island" is the dominant part of the mark TREASURE ISLAND AT THE MIRAGE.*

Request for Admission No. 20 and Defendant's response to the same, with emphasis added, are as follows:

REQUEST FOR ADMISSION NO. 20:

The mark depicted in U.S. Registration No. 2,010,396 (TREASURE ISLAND AT THE MIRAGE), as used in connection with casino services creates the same commercial impression as the mark TREASURE ISLAND as used in connection with casino services.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 20

Registrant objects to this request on the grounds that it is vague and ambiguous. Without waiving said objection, registrant responds as follows: deny, *but admit that the dominant part of the mark TREASURE ISLAND AT THE MIRAGE as used in connection with casino services by registrant creates the same commercial impression as the mark TREASURE ISLAND as formerly used in connection with casino services by GNLV, Corp. and the Mirage Casino-Hotel.*

Defendant fully admits that the dominant part of the mark TREASURE ISLAND AT THE MIRAGE mark is, in fact, TREASURE ISLAND. TREASURE ISLAND is, of course, the mark Plaintiff is asserting in this proceeding. Furthermore, as discussed above, the services offered under Plaintiff's TREASURE ISLAND mark and Defendant's TREASURE ISLAND dominated mark are identical: casino services.

Defendant's admission that the TREASURE ISLAND portion of its mark dominates the mark as a whole is both proper and to be expected. For one thing, "it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered". Presto Products, Inc. v. Nice-Pak Products, Inc., 9 USPQ 2d 1895 (TTAB 1988). Furthermore, that portion of Defendant's mark consisting of the words "AT THE MIRAGE", merely serves to indicate where the establishment at issue, TREASURE ISLAND, is: TREASURE ISLAND is located "at the Mirage", hotel casino complex in Las Vegas.

This Board has held that "although the marks at issue must be considered in their entirety, it is well-settled that one feature of a mark may be more significant than another, and

it is not improper to give more weight to this dominant feature in determining the commercial impression created by the mark". In re Continental Graphics Corp., 52 USPQ 2d 1374, 1375-76 (TTAB 1999). Given Defendant's admissions and the nature of the registered mark, this Board should, it is contended, give more weight to the dominant feature of the mark: TREASURE ISLAND.

The testimony of Defendant's witnesses further establish the fact that TREASURE ISLAND wholly dominates Registrant's mark. Mark Russell, an officer of Mirage Casino-Hotel and Defendant's 30(b)(6) witness for various business related matters relevant to Defendant, in discussing at his deposition another registration at issue in this proceeding, had this to say about the mark TREASURE ISLAND AT THE MIRAGE:

From my standpoint -- I'm not the artist who designed this -- the reason that you'd want "Treasure Island" to be more prominent than the entire phrase is you want to develop short hand product identity. And when people discuss where they stay or where they go in Las Vegas, what they say is "I'm going to stay at Treasure Island." Because using an entire sentence to identify a hotel is cumbersome and very difficult to market and you loose your message.

And there's, you know, hundreds and hundreds of reasons from Advertising 101 that you don't want something that complicated. What you want to do is develop a brand identity that grabs your attention and is easily remembers (sic). So that's why the "Treasure Island" -- you would want the "Treasure Island" to stick out, because over time, that is how you want your property referred to. In fact, that is exactly what has happened.

See Russell deposition transcript pages 58-59, Exhibit H.

Mr. Russell's comments are, of course, simply another way of indicating that not only does the TREASURE ISLAND portion of Defendant's mark dominate the mark as a whole, but additionally Defendant *wants* the words to dominate the mark.

Further proof of the fact that TREASURE ISLAND dominates Defendant's mark is found in the very documents submitted by the Defendant to the Patent and Trademark Office as part of the registration process and as evidence of use in connection with its Section 8 Affidavit

filed in 2001 relevant to the registration. The specimen submitted by Defendant as part of its statement of use in February of 1996 includes the following items: "Treasure Island" used as a stand alone mark on the front of the submitted "Gaming Guide"; the statement "Welcome to Treasure Island. This guide is an introduction to the Treasure Island Casino..." in the "Welcome" portion of this item; information indicating that slot machine bonus points may "be redeemed for cash or goods and services in any outlet at Treasure Island or the Mirage"; an indication that "[a]t Treasure Island, change service for slot play is as close as the nearest slot machine"; and an indication that "Treasure Island also offers several exclusive slot programs...". See Exhibit I.

In connection with its November 2001 Section 8 Affidavit, a piece was submitted which invites casino patrons to "sample one of Treasure Island's unique concoctions at (Swashbucklers Bar)"; a statement that tickets for a theater performance "are available at Treasure Island Ticket Office..."; that "Treasure Island has gift certificates available at guest services..."; and that "Treasure Island logo merchandise is available at the Buccaneer Shoppe". Further, as can be seen from the last page of this Exhibit, Defendant's internet address is www.treasureisland.com. See Exhibit J.

Clearly, Mr. Russell was correct when he stated that Defendant wanted the TREASURE ISLAND mark "to stick out" since over time "that's how (Defendant would) want (its) property referred to" and that "that's exactly what has happened".

Plaintiff strongly contends that the entire *Du Pont* analysis needs to be undertaken with one eye toward the fact that TREASURE ISLAND portion of Defendant's mark dominates the mark as a whole. This fact has not only been admitted by Defendant, but, as well, is established by the undisputed facts.

2. Du Pont Factors

As the Board is well aware, a variety of factors are analyzed in the cancellation setting in order to determine whether or not a likelihood of confusion is present as between two marks. The factors to be analyzed are, of course, known as the *Du Pont* factors. The *Du Pont* factors relevant to the instant situation are discussed below.

a. The Similarity of the Marks in their Entireties as to Appearance, Sound, Connotation and Commercial Impression

(i) Appearance Factor

At issue are the marks TREASURE ISLAND, owned by Plaintiff, and TREASURE ISLAND AT THE MIRAGE registered to Defendant. It is beyond dispute that the relevant marks are confusingly similar in appearance. Both marks incorporate the operative words TREASURE ISLAND, and while Defendant's mark also incorporates the informative phrase "at the Mirage", this language merely describes where TREASURE ISLAND is geographically located, namely, "at the Mirage". Furthermore, as discussed in detail above, Defendant fully admits that the dominant portion of its mark is, in fact, TREASURE ISLAND. Therefore, Plaintiff's mark is identical in appearance with the dominating portion of Defendant's mark: TREASURE ISLAND. The *Du Pont* "appearance factor" clearly weighs in favor of finding a likelihood of confusion.

(ii) Sound Factor

The marks at issue are confusingly similar as concerns the *Du Pont* "sound" factor as well. The dominating portion of Defendant's mark, TREASURE ISLAND, is identical

to Plaintiff's mark, TREASURE ISLAND, and therefore a finding of likely confusion is supported with regard to this factor.

(iii) Connotation and Commercial Impression

The marks at issue connote the same thing, namely, TREASURE ISLAND. While Defendant's mark also contains the phrase "at the Mirage", this phrase merely serves to inform the relevant market that the casino known as Treasure Island is located "at the Mirage". Plaintiff's mark, TREASURE ISLAND, is identical to the dominating portion of Defendant's mark, meaning that the entirety of Plaintiff's mark and the dominating portion of the Defendant's mark create the identical connotation and commercial impression.

(iv) Conclusion Regarding First Du Pont Factor

The marks at issue in this proceeding are confusingly similar in appearance, sound, connotation and commercial impression. In fact, the self-described dominating portion of Defendant's registered mark is identical to Plaintiff's mark in these regards. As such, this factor weighs heavily in Plaintiff's favor relevant to this motion.

b. Similarity in the Nature of the Services at Issue

Defendant's '396 registration covers casino services. Plaintiff uses the mark TREASURE ISLAND in connection with identical services: casino services. The rule to be applied in this situation is that "as the degree of similarity of the goods of the parties increases, 'the degree of similarity [of the marks] necessary to support a conclusion of likely confusion declines'". Fossil, Inc. v. Fossil Group, 49 USPQ 2d 1451 (TTAB 1998), *quoting* Century 21 Real Estate Corp. v. Century Life of America, 970 F. 2d 874 (Fed. Cir. 1992). *See also* Hard Rock Café International (U.S.A.), Inc. v. Elsea, 56, USPQ 2d 1504 (TTAB 2000) which states

that “[w]hen marks would appear on virtually identical goods or services, the degree of similarity necessary to support a conclusion of likely confusion declines”. Here, the marks at issue are, beyond doubt, confusingly similar with regard to sight, sound, connotation, and impression. As noted above, in fact, the self-described dominating portion of Defendant’s mark is identical to Plaintiff’s mark. “If the marks are very similar, it is ‘only necessary that there be a viable relationship between the goods or services in order to support a holding of a likelihood of confusion’”. 3 J. McCarthy, McCarthy on Trademarks and Unfair Competition, §23:20.1 (4th ed. 2002), *citing* In re Concordia International Forwarding Corp., 222 USPQ 355 (TTAB 1983). Here, not only are the marks “very similar”, but far beyond there being merely a “viable relationship between the goods and services”, the goods and services are identical. All of this leads to one inescapable conclusion: a likelihood of confusion is undoubtedly present.

c. Channels of Trade

There are no restrictions whatsoever placed on the channels of trade relevant to Defendant’s registration. Defendant’s services are simply called out as “casino services”. Plaintiff’s services are, as discussed above, identical. The relevant services of both parties are marketed to the identical class of consumer: those who enjoy gambling, and therefore take advantage of casino services. These individuals are simply members of the general public. Highly sophisticated services geared toward a sophisticated purchaser of expensive goods are certainly not at issue here. This *Du Pont* Factor weights in Plaintiff’s favor, and further supports a finding of likely confusion.

d. Fame of the Prior Mark Factor

As discussed above, Plaintiff’s mark has been in use since January of 1990, and was in use for over eight years before the instant proceedings were instituted. Plaintiff has expended

significant sums relevant to advertising, theme development, and general promotion. For example, Plaintiff has advertised on dozens of different radio stations in several states, and over 20 television stations. In addition, Plaintiff's mark has received national exposure by virtue of its indoor image advertising at the Target Center in Minneapolis, Minnesota (home to the professional basketball team known as the Minnesota Timberwolves), the Hubert H. Humphrey Metrodome (home to the professional baseball team known as the Minnesota Twins and the professional football team known as the Minnesota Vikings), and the River Center (home to the professional hockey team known as the Minnesota Wild).

Additionally, Plaintiff's mark has been published in a numerable newspapers and magazines around the country. Petitioner's mark has also been used in connection with direct mail programs, has been placed in various yellow pages, and has been the subject of indoor and outdoor advertising, coordinated through advertising companies.

Plaintiff has employed several other modes of promoting its services under the relevant mark as well. Exhibit K is an interrogatory response proffered by Plaintiff explaining in detail the various methods employed by Plaintiff in connection with publicly displaying its mark.

Plaintiff's mark has become quite well known over the years and therefore this *Du Pont* factor weighs in its favor.

e. Number and Nature of Similar Marks in Use in Connection with Similar Services

Plaintiff and Defendant are the only known users of the TREASURE ISLAND mark in connection with casino services within the United States. In other words, there are no known similar marks being used in connection with similar services. This, as with all of the other *Du Pont* factors discussed, supports a finding of likelihood of confusion. Clearly, Plaintiff's mark is strong.

f. Actual Confusion

As a rule, “[a] showing of actual confusion would of course be highly probative, if not conclusive, of a high likelihood of confusion.” In re Majestic Distilling Company, Inc., 315 F. 3d 1311, 1317 (CAFC 2003). In the instant situation, actual confusion is rampant. Attached hereto as Exhibit K is a “call tracking summary” created by Plaintiff’s tour department from March of 1999 indicating that between January of 1997 and February of 1999 260 individuals had phoned Plaintiff’s place of business believing that they were phoning Defendant’s place of business.

Exhibit L evidences an additional 120 misdirected calls, received by Plaintiff, meant for Defendant, between March of 1999 and March of 2001. As for Exhibit L, each occurrence is set out in column form.

Exhibit M are documents evidencing 59 different instances of confusion relevant to phone calls mistakenly placed to the Reservation’s desk at Plaintiff’s place of business. In each instance, the caller intended to contact Defendant.

Exhibit N are emails received by Plaintiff’s place of business meant for Defendant’s place of business.¹

Exhibit O is petitioners amended supplemental answer to interrogatory 12 setting forth further instances of actual confusion.

Exhibit P is an interrogatory response which explains that Ms. Laurie Knapp has dealt directly with Defendant with regard to actual confusion occurring at both places of business.

¹ In connection with the phone call and e-mail information set forth in various Exhibits, Plaintiff has redacted telephone number and e-mail address information relevant to individuals who contacted Plaintiff. Plaintiff believes that this information is best kept confidential, and have submitted them in redacted fashion rather than submit the full documents under the Protective Order. Of course, Plaintiff will submit the unredacted documents to this Board under the Protective Order should the Board so desire.

Exhibit O establishes that the actual confusion-related problems experienced by Plaintiff are, in fact, experienced by Defendant as well.

Exhibit Q is evidence of confusion being experienced by website operators. In this document, casinoguide.com has mistakenly inserted a picture of Defendant's place of business, the Mirage, with written information relevant only to Plaintiff's place of business.

Exhibit R evidences various other instances of confusion, including an individual forwarding a Treasure Island Las Vegas Reservation form to Plaintiff, evidence of an individual who had thought he had booked a room at Treasure Island in Las Vegas when in fact he had mistakenly booked a room at Plaintiff's Treasure Island and a request for a room, which request was sent to Plaintiff instead of the intended recipient, Defendant. Finally, with regard to this Exhibit, Plaintiff attaches an email to Joe Halloran from Laurie Knapp recounting one of the multitude of phone calls Plaintiff has received when the caller meant to be phoning Defendant.

This Board should know that the enclosed documents are but a sampling of the evidence of which exists relevant to actual confusion. In fact, as stated above, actual confusion is rampant, continuing, and will continue for as long as Defendant uses its confusingly similar designation in connection with services identical to those offered by Plaintiff.

Actual confusion is perhaps the best evidence of a likelihood of confusion. Here, the fact of actual confusion is firmly established. This factor weighs strong in Plaintiff's favor, and undoubtedly establishes a likelihood of confusion.

g. Variety of Goods on Which the Marks are or are not Used

Attached Exhibit S is a list compiled by Plaintiff indicating the variety of goods and services on which its TREASURE ISLAND mark is used. As can be seen, Plaintiff uses its mark on a whole litany of items. As discussed early in this memorandum, several other registrations

and uses of the TREASURE ISLAND mark by the parties are at issue in this consolidated proceeding. These registrations, as well as discovery taken to date, firmly establishes that above and beyond casino services, the parties are also using the identical mark on and in connection with things such as restaurants, clothing, jewelry, and glass wear, to name but a few. In other words, each party is selling and promoting, under the marks at issue here, numerous goods and services identical to those offered by the other, beyond simply casino services. This *Du Pont* factor weighs heavily in Plaintiff's favor.

h. Other Factors

Plaintiff believes there is other evidence this Board should be aware of in connection with this motion, namely, Defendant's own admissions of likelihood of confusion and actual confusion. Stephen Wynn, a principal at Mirage Resorts and the individual most responsible for the creation of Defendant's place of business, and had this to say at his deposition:

Q. Ok. Do you feel there would be that people would associate (Defendant's) facility with the casino operated by the Prairie Island Community under the name Treasure Island?

A. Well, sure. I spent four and a half million dollars producing a movie and buying prime time on Sunday night on NBC, preempted the Steven Spielberg show -- in order to run Treasure Island The Movie.

Q. Ok.

A. So I think anybody else that got away with using the name Treasure Island, would be piggy backing on our efforts. And there would be confusion to me I would think. Especially if it was a hotel casino. I wouldn't say that if it was a shopping center or a store or an auto rental place.

Q. But certainly a hotel and casino would?

A. Yes.

See Exhibit T

In other words, Mr. Wynn is voicing the very concerns raised by Plaintiff in connection with this entire proceeding: that both a likelihood of confusion and actual confusion exists.

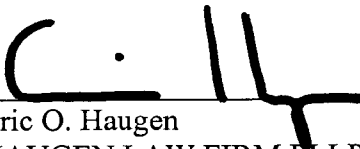
III. CONCLUSION

Based on the above, Plaintiff respectfully requests that this Board enter summary judgment in its favor with regard to United States Reg. No. 2,010,396. It is beyond doubt that there is a likelihood of confusion present within the meaning of Section 2(d).

The marks look the same, sound the same, give the same commercial impressions. The services at issue are identical. Those who use the services come from the same class. Actual confusion is rampant. All of these factors, as well as the other factors discussed above, dictate that Plaintiff, given its priority of use, is entitled to judgment as a matter of law.

Respectfully submitted

Dated: March 11, 2005


Eric O. Haugen
HAUGEN LAW FIRM PLLP
121 S. Eighth Street
1130 TCF Tower
Minneapolis, MN 55402
Telephone: (612) 339-8300

Joseph F. Halloran
JACOBSON, BUFFALO, SCHOESSLER
& MAGNUSON LTD.
1360 Energy Park Drive
Suite 210
St. Paul, MN 55108
(651) 644-4710

Attorney(s) for Petitioner/Opposer
Prairie Island Indian Community,
a Federally Recognized Indian Tribe

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 2,010,396

Registered Oct. 22, 1996

**SERVICE MARK
PRINCIPAL REGISTER**

TREASURE ISLAND AT THE MIRAGE

**TREASURE ISLAND CORP. (NEVADA CORPORATION)
3300 LAS VEGAS BLVD. SOUTH
LAS VEGAS, NV 89109**

**FIRST USE 10-26-1993; IN COMMERCE
10-26-1993.**

SN 74-417,687, FILED 7-23-1993.

**FOR: CASINO SERVICES, IN CLASS 41 (U.S.
CLS. 100, 101 AND 107).**

JEFFREY MARTIN, EXAMINING ATTORNEY

**PLAINTIFF
EXHIBIT**

A

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE BEFORE THE TRADEMARK
TRIAL AND APPEAL BOARD**

Prairie Island Indian Community,
a federally recognized Indian Tribe,

Petitioner

vs.

Treasure Island Corporation,

Respondent.

PETITION FOR CANCELLATION

Cancellation No. _____

Mark: TREASURE ISLAND AT THE
MIRAGE

International Class 41

U.S. Class 100, 101, 107

Registration No. 2,010,396

Date of Issue: October 22, 1996

COPY

The Prairie Island Indian Community, a federally recognized Indian Community located and doing business at 5636 Sturgeon Lake Road, Red Wing, Minnesota (Petitioner), believes that it is or will be damaged by Registration No. 2,010,396 and hereby submits this Petition to cancel same.

Description of Respondent's registration: Filed on July 23, 1993 for the mark TREASURE ISLAND AT THE MIRAGE registered on the Principal Register in International Class 41 and U.S. Class 100, 101, 107 for casino services; claimed first use on October 26, 1993.

As grounds of this Petition, it is alleged that:

1. Petitioner has adopted and continuously used the service mark TREASURE ISLAND since at least as early as January 1, 1990 to the present in the area of casino and related gaming services. Petitioner's service mark has been registered with the state of Minnesota. A copy of this registration is appended to this Petition as Exhibit A. The Petitioner's first date of use and its state registration are prior to the date of filing of Respondent's application and prior to the date of Respondent's claimed date of first use. In view of the similarity of the respective marks, and the closely related, and in some instances identical, nature of the services of the respective parties, it is alleged that Respondent's registered mark so resembles Petitioner's mark, as to be likely to cause confusion, or to cause mistake, or to deceive within the meaning of Section 2(d) of the Trademark Act.

2. There is no issue as to priority of use. Petitioner's date of first use and state registration are long prior to the date of first use of the Respondent, October 26, 1993. Petitioner, since at least January 1, 1990, has been and is now using the mark TREASURE ISLAND in the area of casino and related gaming services. Said use has been valid and continuous since said date of first use and has not been abandoned. Petitioner's mark is symbolic of extensive good will and consumer recognition built by Petitioner through substantial amounts of time, money and effort in advertising and promotion. Petitioner has expended considerable effort and money in promoting its service mark TREASURE ISLAND and the goods and services sold under such mark, with the result that the relevant public has come to associate, know, rely upon, and recognize the products and services of Petitioner by such mark. Petitioner has exceedingly valuable goodwill established in its mark. In view of the similarity of the marks at issue in this Petition, and the closely related, and in some instances identical, services of the respective parties, it is alleged that Respondent's mark is likely to cause confusion, or to cause mistake, or to deceive within this meaning of Section 2(d) of the Trademark Act.

3. Petitioner, since at least January 1, 1990, has been, and is now offering and selling goods and services under the mark TREASURE ISLAND. Said use has been valid and continuous since said date of first use and the relevant public has come to associate, know, rely upon and recognize the services of Petitioner by said mark. Petitioner has an exceedingly valuable goodwill established in its mark. In view of the similarity of the marks at issue in this Petition, and the closely related, and in some instances identical, nature of the goods and services associated with the marks it is alleged that the Respondent's mark, when used on or in connection with the goods and services of Petitioner, is likely to cause confusion, or to cause mistake or to deceive, within the meaning of Section 2(d) of the Trademark Act.

4. If the Respondent is permitted to retain the registration sought to be canceled and, thereby, the prima facie exclusive right to use in commerce the mark TREASURE ISLAND AT THE MIRAGE in connection with the related and identical goods and services promoted and sold by Petitioner, confusion in the trade is likely to result. Any concurrent use of Petitioner's mark and that of the Respondent creates a likelihood of confusion, mistake, and/or deception, all to the great detriment of Petitioner, who has expended considerable sums and efforts in promoting its mark.

promoting its mark.

5. The relevant market is likely to consider the goods and services of the Respondent sold and promoted under the mark TREASURE ISLAND AT THE MIRAGE as emanating from Petitioner. The relevant market is likely to purchase or otherwise use Respondent's goods and services as those of the Petitioner, resulting in harm, financial and otherwise, to Petitioner

6. Concurrent use of the mark by the Respondent and Petitioner may result in irreparable damage to Petitioner's reputation and goodwill, if the goods and services sold by the Respondent are inferior, since purchasers and users of the relevant services are likely to attribute the source of the Respondent's goods and services to the Petitioner.

7. If the Respondent is permitted to retain the registration sought to be canceled, a cloud will be placed on Petitioner's title in and to its mark TREASURE ISLAND, and on its right to enjoy the free and exclusive use thereof in connection with the sale and promotion of its goods and services, all to the great injury of the Petitioner.

WHEREFORE, Petitioner prays that Registration No. 2,010,396 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

A duplicate Petition for Cancellation is being filed herewith, along with the filing fee required in § 2.6(a)(16).

Petitioner hereby appoints Jacobson, Buffalo, Schoessler & Magnuson, Ltd., a law firm composed of ten attorneys, all members of the bar of the State of Minnesota, and Haugen & Nikolai, P.A., a law firm composed of seven attorneys, all members of the bar of the State of Minnesota, to act as attorneys for Petitioner herein, with full power to prosecute said Petition, to transact all relevant business with the Patent and Trademark Office and in the United States Courts and to receive all official communications in connection with the Petition for Cancellation.

Respectfully Submitted.

PRAIRIE ISLAND INDIAN COMMUNITY

Dated: _____

9/14/98

By: _____

Audrey Kohnen
President

JACOBSON, BUFFALO, SCHOESSLER &
MAGNUSON, Ltd.

Dated: _____

10/8/98

By: _____

Henry M. Buffalo, Jr.

Atty. Regis. No. 236603

Joseph F. Halloran

Atty. Regis. No. 244132

Douglas S. Twait

Atty. Regis. No. 0199783

810 Lumber Exchange Building

Ten South Fifth Street

Minneapolis, Minnesota 55402

(612)339-2071

HAUGEN & NIKOLAI, P.A.

Dated: _____

Oct 8, 1998

By: _____

Orrin Haugen

Atty. Regis. No. 17972

Eric Haugen


Atty Regis. No. 189807

900 Second Avenue South, Suite 820

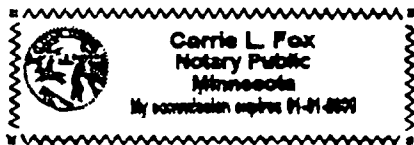
Minneapolis, Minnesota 55402

(612) 339-7461

[illegible]


Audrey Kohnen

Parvinder Kaur
Notary Public



State of Minnesota

SECRETARY OF STATE

Certificate of Registration of Mark

I, Joan Anderson Grove, Secretary of State of Minnesota, do certify that: The applicant listed below has on this date filed in the Office of the Secretary of State an application for the registration of the mark described below. Registration of this mark is granted to the applicant for a period of ten years from this date, under the terms and subject to the limitations of Minnesota Statutes, Chapter 333. The applicant claims the date listed below as the date of first use of the mark in this state, and the attached drawing, print or representation is a true and correct specimen of the mark.

Name of Applicant: Prairie Island Tribal Council

Type: Service

Description of Mark: Treasure Island

Date of First Use in this State: 01/01/90

Classification of Mark: 41

Registration Number of Mark: 19575

Mark Used On or In Connection With: Casino and related gaming services

This certificate has been issued on: 07/22/92.



Joan Anderson Grove
Secretary of State.

Exhibit A

1 UNITED STATES PATENT AND TRADEMARK OFFICE
 2 TRADEMARK TRIAL AND APPEAL BOARD

3 - - - - -
 4 PRAIRIE ISLAND Reg. Nos. 1,949,380; 1,955,279;
 5 INDIAN COMMUNITY, 2,010,396; 2,176,004; 1,984,421;
 6 Petitioner, 2,024,221; 2,019,401; 1,916,033;
 7 vs. 1,941,475; 1,966,090; 1,903,619;
 8 TREASURE ISLAND 1,943,123; 1,949,379; 1,985,968;
 9 CORP., 2,040,756; 2,040,770; 1,981,369.
 10 Respondent. Cancellation Nos. 23,126; 28,127;
 11 28,130; 28,133; 28,145; 28,155;
 12 28,199; 28,248; 28,280; 28,294;
 13 28,314; 28,319; 28,325; 28,342;
 14 28,379; 28,171; 28,174.

15 - - - - -

16 DEPOSITION OF CINDY L. M. FLEMKE

17 VOLUME I, Pages 1 - 186

18 COPY
 19 (The following is the Deposition of CINDY

20 L. M. FLEMKE, taken pursuant to Notice of Taking
 21 Deposition, at the offices of the Haugen Law Firm,
 22 Attorneys at Law, 121 South 8th Street, Suite 1130,
 23 Minneapolis, Minnesota, on June 17, 1999, commencing
 24 at approximately 9:32 o'clock a.m.)

PLAINTIFF
EXHIBIT

C

25

01:30:46 PM

1 distributed?

01:30:47 PM

2 A. It would be determined by Treasure Island, and I
3 don't know where they wanted it to go, what radius.

01:30:54 PM

01:31:22 PM

4 Q. Now on page 2 of Exhibit 4 there's a kind of a
5 blocked or centered portion of text in the middle of
6 the left-hand side of the page that begins,

01:31:25 PM

01:31:29 PM

7 "(Formerly Island Bingo) OPEN - Friday, January 19th
8 under new management." Do you know what that means,
9 "OPEN - Friday, January 19th under new management"?

01:31:32 PM

01:31:36 PM

01:31:41 PM

10 A. Yes.

01:31:45 PM

01:31:46 PM

11 Q. Could you tell me what that means?

01:31:49 PM

01:31:55 PM

12 A. They renamed the facility as of 1/1/90 Treasure
13 Island, they closed for two weeks to do extensive

01:31:58 PM

01:32:06 PM

14 remodeling. They had an employee meeting on January
15 18th -- The employees that were hired as of 1/1/90

01:32:12 PM

01:32:15 PM

16 for Treasure Island were laid off. They had an
17 employee meeting on January 18th, then on January

01:32:19 PM

01:32:23 PM

18 19th they reopened the facility with construction
19 complete, or I should say remodeling complete.

01:32:29 PM

01:32:32 PM

20 Q. Okay. I'm sorry. Did you say January 19th they
21 reopened?

01:32:37 PM

22 A. Yes.

01:32:42 PM

01:32:47 PM

23 Q. So from the time the property closed for
24 remodeling the facility wasn't doing business.

01:32:53 PM

25 A. Yes. Define "doing business."

Treasure Island



January 1990

BINGO



Play For
A New Car
Every Nite

And Casino

(Formerly Island Bingo)

OPEN - Friday, January 19th under new management.

Focus on entertainment & large cash prizes.

Featuring: All new cante with great food at affordable prices.

All new smoke shop with major brands at discount prices.

Expanded Vegas Style Casino with over 100 different video games & exciting new table games.

All new No-Smoking section and exciting new Bingo program.

NEW BINGO HOURS

Doors Open

2:30 p.m. Sunday

Early Birds

7:00 p.m. Fri. & Sat.

3:30 p.m. Sunday

CASINO/SMOKESHOP

12-8 Monday thru Thursday

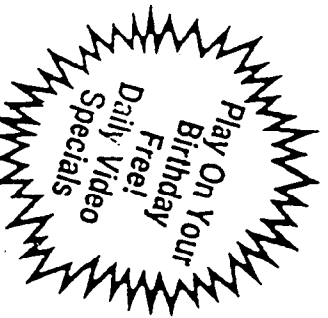
12-12 Friday & Saturday

12-10 Sunday

Regular Session

7:30 p.m. Fri. & Sat.

4:00 p.m. Sunday



Friday, 19	Saturday, 20	Sunday, 21
Free \$500 Intermission Game Fastball Bingo	Drawing For Victorian Holiday Free \$500 Intermission Game Fastball Bingo	Free \$500 Intermission Game Fastball Bingo
Regular Evening Session	Regular Evening Session	Senior Nite \$5.00 Off
Friday, 26	Saturday, 27	Sunday, 28

Coupon

Clip and Present This Coupon At

Treasure Island Bingo & Casino

Drawing For A

Victorian Holiday

At The St. James Hotel

Red Wing, MN

Limit One Coupon Per Person. One Winner.
Drawing Held January 20th, 1990. Must Be Present To Win!

PLAINTIFF
EXHIBIT

D



TREASURE ISLE BINGO & CASINO

5734 Sturgeon Lake Rd., Welch, MN 55089 - Phone: In MN - 1-800-222-7077 - Outside MN - 1-800-822-4529

FEBRUARY 1990

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Play For A New Car Nitely!!! Grand Opening Coming March 15-18 Bingo Now Open Thursday - Sunday*						
4. Senior Nite 15.00 Off Any Package. 4:00	5. Casino Open 12-8	6. Casino Open 12-8	7. Casino Open 12-8	8. Evening Session 7:30 Free Drawings	9. Casino Nite - 50 Drawings for 15.00 In Chips Free Drawings	10. Evening Session 7:30 Free Drawings
11. Senior Nite 15.00 Off Any Package. 4:00	12. Casino Open 12-8	13. Casino Open 12-8	14. Casino Open 12-8	15. 1/2 Price Nite buy Single, Double, Combo - Only 1/2 Price Free Drawings	16. Evening Session 7:30 Free Drawings	17. Evening Session 7:30 Free Drawings
18. Senior Nite 15.00 Off Any Package. 4:00	19. Casino Open 12-8	20. Casino Open 12-8	21. Casino Open 12-8	22. Evening Session 7:30 Free Drawings	23. Winners Circle 20 Drawings for 100 Free Drawings	24. Evening Session 7:30 Free Drawings
25. Senior Nite 15.00 Off Any Package. 4:00	26. Casino Open 12-8	27. Casino Open 12-8	28. Casino Open 12-8	CASINO OPEN 7 DAYS		

Flemke Exhibit 10

Date 6-17-99
DEBBY J. CAMPEAU, RPR

Treasure Island
BINGO * CASINO

NOVEMBER 1990 NOVEMBER 1990

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1 FOOD SHELF NITE Donate one canned food item and receive \$5 OFF any package	2 EVENING SESSION 7:30 P.M.	3 MATINEE SESSION 3:00 P.M. B-Special EVENING SESSION 7:30 P.M.
4 MINI SESSION 1:30 P.M. SENIOR NITE \$5 OFF any pkg. 4:00 P.M.	5 SMALL CASINO OPEN 12:00 - 8:00	6 SMALL CASINO OPEN 12:00 - 8:00	7 DOUBLE UP Your lucky number could win you double on all 1- and 2-star games	8 FOOD SHELF NITE Donate one canned food item and receive \$5 OFF any package	9 2ND CHANCE 2 chances to win on all 1-star games. Win up to \$1,000 on second chance.	10 MATINEE SESSION 3:00 P.M. B-Special EVENING SESSION 7:30 P.M.
11 YET'S DAY All vets receive \$5 OFF any package SENIOR NITE	12 SMALL CASINO OPEN 12:00 - 8:00	13 SMALL CASINO OPEN 12:00 - 8:00	14 DOUBLE UP Your lucky number could win you double on all 1- and 2-star games	15 1/2 PRICE NITE Buy single, double, combo... only half price!	16 EVENING SESSION 7:30 P.M.	17 MATINEE SESSION 3:00 P.M. B-Special SPECIAL BONUS BONANZA \$3.00 must go to CAMEL NITE
18 MINI SESSION 1:30 P.M. SENIOR NITE \$5 OFF any pkg. 4:00 P.M.	19 SMALL CASINO OPEN 12:00 - 8:00	20 SMALL CASINO OPEN 12:00 - 8:00	21 DOUBLE UP Your lucky number could win you double on all 1- and 2-star games	22 FOOD SHELF NITE Donate one canned food item and receive \$5 OFF any package	23 EVENING SESSION 7:30 P.M.	24 MATINEE SESSION 3:00 P.M. B-Special Matinee Drawing \$500 EVENING SESSION 7:30 P.M.
25 MINI SESSION 1:30 P.M. SENIOR NITE \$5 OFF any pkg. 4:00 P.M.	26 SMALL CASINO OPEN 12:00 - 8:00	27 SMALL CASINO OPEN 12:00 - 8:00	28 COUPON NITE Redeem any coupon for up to \$10 OFF any pkg. DOUBLE UP DRAWING Win up to \$1,000	29 FOOD SHELF NITE Donate one canned food item and receive \$5 OFF any package	30 WINNERS CIRCLE DRAWING 1 - \$1,000.00 10 - \$100.00	

Treasure Island
BINGO * CASINO

DECEMBER 1990 DECEMBER 1990

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1 MATINEE SESSION 3:00 P.M. B-Special EVENING SESSION 7:30 P.M.
2 MINI SESSION 1:30 P.M. SENIOR NITE \$5 OFF any pkg. 4:00 P.M.	3 SMALL CASINO OPEN 12:00 - 8:00	4 SMALL CASINO OPEN 12:00 - 8:00	5 DOUBLE UP Your lucky number could win you double on all 1- and 2-star games	6 TOYS FOR TOTS Bring in a Toy for Tots and receive \$5 OFF any package	7 EVENING SESSION 7:30 P.M.	8 MATINEE SESSION 3:00 P.M. B-Special EVENING SESSION 7:30 P.M.
9 MINI SESSION 1:30 P.M. SENIOR NITE \$5 OFF any pkg. 4:00 P.M.	10 SMALL CASINO OPEN 12:00 - 8:00	11 SMALL CASINO OPEN 12:00 - 8:00	12 DOUBLE UP Your lucky number could win you double on all 1- and 2-star games	13 TOYS FOR TOTS Bring in a Toy for Tots and receive \$7 OFF any package	14 2ND CHANCE 2 chances to win on all 1-star games. Win up to \$1,000 on second chance.	15 MATINEE SESSION 3:00 P.M. B-Special EVENING SESSION 7:30 P.M.
16 MINI SESSION 1:30 P.M. SENIOR NITE \$5 OFF any pkg. 4:00 P.M.	17 SMALL CASINO OPEN 12:00 - 8:00	18 SMALL CASINO OPEN 12:00 - 8:00	19 DOUBLE UP Your lucky number could win you double on all 1- and 2-star games	20 1/2 PRICE NITE Buy single, double, combo... only half price!	21 EVENING SESSION 7:30 P.M.	22 MATINEE SESSION 3:00 P.M. B-Special FREE CASH NITE Every guest received between \$1-\$500 Cash Special Drawing \$1,000
23 MINI SESSION 1:30 P.M. SENIOR NITE 4:00 P.M. \$5 OFF any pkg.	24 TMA'S EVE NO BINGO ** SPECIAL ** NEW YEARS EVE BASH 31	25 Merry Christmas NO BINGO	26 COUPON NITE Redeem any coupon for up to \$10 OFF any pkg. DOUBLE UP DRAWING Win up to \$1,000	27 FOOD SHELF NITE Donate one canned food item and receive \$5 OFF any package	28 WINNERS CIRCLE DRAWING 1 - \$1,000.00 10 - \$100.00	29 MATINEE SESSION 3:00 P.M. B-Special Matinee Drawing \$500 EVENING SESSION 7:30 P.M.

Treasure Island
BINGO * CASINO

JAN. 1991 JAN. 1991

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 Happy New Year HALL CLOSED	2 DOUBLE UP Your lucky number could win you double on all 1- and 2-star games	3 FOOD SHELF NITE Donate one canned food item and receive \$5 OFF any package	4 EVENING SESSION 7:30 P.M.	5 MATINEE SESSION 3:00 P.M. B-Special EVENING SESSION 7:30 P.M.
6 MINI SESSION 1:30 P.M. SENIOR NITE \$5 OFF any pkg. 4:00 P.M.	7 SMALL CASINO OPEN 12:00 - 8:00	8 SMALL CASINO OPEN 12:00 - 8:00	9 DOUBLE UP Your lucky number could win you double on all 1- and 2-star games	10 FOOD SHELF NITE Donate one canned food item and receive \$5 OFF any package	11 2ND CHANCE 2 chances to win on all 1-star games. Win up to \$1,000 on second chance.	12 MATINEE SESSION 3:00 P.M. B-Special EVENING SESSION 7:30 P.M.
13 MINI SESSION 1:30 P.M. SENIOR NITE \$5 OFF any pkg. 4:00 P.M.	14 <i>CASH</i> SMALL CASINO OPEN 12:00 - 8:00	15 SMALL CASINO OPEN 12:00 - 8:00	16 DOUBLE UP Your lucky number could win you double on all 1- and 2-star games	17 1/2 PRICE NITE Buy single, double, combo... only half price!	18 EVENING SESSION 7:30 P.M.	19 MATINEE SESSION 3:00 P.M. B-Special SPECIAL BONUS BONANZA \$3.00 must go!
20 MINI SESSION 1:30 P.M. SENIOR NITE \$5 OFF any pkg. 4:00 P.M.	21 SMALL CASINO OPEN 12:00 - 8:00	22 SMALL CASINO OPEN 12:00 - 8:00	23 DOUBLE UP DRAWING Win up to \$1,000.00	24 FOOD SHELF NITE Donate one canned food item and receive \$5 OFF any package	25 WINNERS CIRCLE DRAWING 1 - \$1,000.00 10 - \$100.00	26 MATINEE SESSION 3:00 P.M. B-Special Matinee Drawing \$500 EVENING SESSION 7:30 P.M.
27 MINI SESSION 1:30 P.M. SENIOR NITE \$5 OFF any pkg. 4:00 P.M.	28 SMALL CASINO OPEN 12:00 - 8:00	29 SMALL CASINO OPEN 12:00 - 8:00	30 COUPON NITE Redeem any coupon for up to \$10 OFF any pkg. PLUS DOUBLE UP	31 FOOD SHELF NITE Donate one canned food item and receive \$5 OFF any package		

Flemke Exhibit 11
Date 6-17-99
DEBBY J. CAMPEAU, RPR

000158

TREASURE ISLAND

BINGO & CASINO

MAY

Filemke Exhibit 12

Date 6-17-99

DEBBY J. CAMPBELL RPR

1997

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
NOW... 2 MATINEES: SAT - 3:00 P.M. SUN - 1:00 P.M. ASK ABOUT OUR "B - SPECIAL"						
5 MATINEE SESSION 1:00 P.M. B-SPECIAL SENIOR NITE \$5.00 OFF ANY PACKAGE 5:30 P.M.	6 SLOT MACHINES AND "21" TABLES OPEN 24 HRS EVERY DAY.	7 SLOT MACHINES AND "21" TABLES OPEN 24 HRS EVERY DAY.	1 DOUBLE UP YOUR LUCKY NUMBER COULD WIN YOU DOUBLE ON ALL 1 STAR GAMES	2 FOOD SHELF NITE DONATE ONE CANNED FOOD ITEM AND RECEIVE \$5 OFF ANY PACKAGE	3 EVENING SESSION 7:30 P.M.	4 MATINEE SESSION B-SPECIAL 3:00 P.M. EVENING SESSION 7:30 P.M.
12 MATINEE SESSION 1:00 P.M. B-SPECIAL SENIOR NITE \$5.00 OFF ANY PACKAGE 5:30 P.M.	13 SLOT MACHINES AND "21" TABLES OPEN 24 HRS EVERY DAY.	14 SLOT MACHINES AND "21" TABLES OPEN 24 HRS EVERY DAY.	8 DOUBLE UP DRAWING WIN UP TO \$1,000	9 FOOD SHELF NITE DONATE ONE CANNED FOOD ITEM AND RECEIVE \$5 OFF ANY PACKAGE	10 2ND CHANCE 2 CHANCES TO WIN ON ALL ONE STAR GAMES WIN UP TO \$1,000 ON 2ND CHANCE	11 MATINEE SESSION B-SPECIAL 3:00 P.M. EVENING SESSION 7:30 P.M.
19 MATINEE SESSION 1:00 P.M. B-SPECIAL SENIOR NITE \$5.00 OFF ANY PACKAGE 5:30 P.M.	20 SLOT MACHINES AND "21" TABLES OPEN 24 HRS EVERY DAY.	21 SLOT MACHINES AND "21" TABLES OPEN 24 HRS EVERY DAY.	15 DOUBLE UP YOUR LUCKY NUMBER COULD WIN YOU DOUBLE ON ALL 1 STAR GAMES	16 1/2 PRICE NITE BUY ANY PACKAGE ONLY HALF PRICE	17 EVENING SESSION 7:30 P.M.	18 MATINEE SESSION B-SPECIAL 3:00 P.M. SPECIAL BONUS BONANZA \$3000 MUST GO
26 MATINEE SESSION 1:00 P.M. B-SPECIAL SENIOR NITE \$5.00 OFF ANY PACKAGE 5:30 P.M.	27 MEMORIAL DAY SPECIAL BINGO SESSION 7:30 P.M.	28 SLOT MACHINES AND "21" TABLES OPEN 24 HRS EVERY DAY.	22 DOUBLE UP YOUR LUCKY NUMBER COULD WIN YOU DOUBLE ON ALL 1 STAR GAMES	23 FOOD SHELF NITE DONATE ONE CANNED FOOD ITEM AND RECEIVE \$5 OFF ANY PACKAGE	24 EVENING SESSION 7:30 P.M.	25 MATINEE SESSION B-SPECIAL 3:00 P.M. EVENING SESSION 7:30 P.M.
					31 WINNERS CIRCLE DRAWINGS 11 - \$1,000 1 - \$100	GOOD LUCK!!!

000154

TREASURE ISLAND BINGO & CASINO

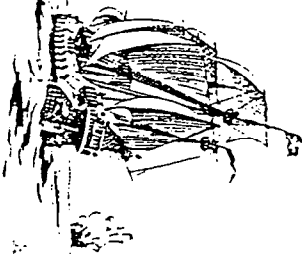
1991

July
 Exhibit 13
 Date 6-17-99

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 GRAND OPENING BINGO FROM 11-9 7 MATINEE SESSION B-SPECIAL 1:00 \$5.00 OFF ANY EVE PACK FOR GRAND OPENING 5:30	2 GRAND OPENING BINGO FROM 11-9 9 SLOT MACHINES & BLACKJACK OPEN 24 HOURS EVERY DAY	3 DOUBLE-UP DRAWING WIN UP TO \$1000 ALSO DAYTIME BINGO 11-4 \$5.00 OFF EVE PACK FOR GRAND OPENING 10 DOUBLE-UP YOUR LUCKY NUMBER COULD WIN YOU DOUBLE ON ALL 1 STAR GAMES 7:30	4 LETS MAKE A DEAL ALSO DAYTIME BINGO 11-4 HAPPY 4TH 11 LETS MAKE A DEAL 7:30	5 \$5.00 OFF ANY EVE PACK FOR GRAND OPENING ALSO DAYTIME BINGO 11-4 12 2ND CHANCE 2 CHANCES TO WIN ON ALL ONE STAR WIN UP TO \$1000 ON 2ND CHANCE	6 MATINEE SESSION B-SPECIAL 3:00 1ST ANNUAL PIE IN THE FACE NITE WIN CASH PLUS NAIL YOUR FAVORITE CALLER	13 MATINEE SESSION B-SPECIAL 3:00 EVENING SESSION 7:30
14 MATINEE SESSION B-SPECIAL 1:00 SENIOR NITE \$5.00 OFF ANY PACKAGE 5:30	15 SLOT MACHINES & BLACKJACK OPEN 24 HOURS EVERY DAY	16 SLOT MACHINES & BLACKJACK OPEN 24 HOURS EVERY DAY	17 DOUBLE-UP YOUR LUCKY NUMBER COULD WIN YOU DOUBLE ON ALL 1 STAR GAMES 7:30	18 1/2 PRICE NITE BUY ANY PACKAGE ONLY 1/2 PRICE	19 EVE SESSION 7:30	20 MATINEE SESSION B-SPECIAL 3:00 EVENING SESSION DREAM VACATION NITE - 7:30
21 MATINEE SESSION B-SPECIAL 1:00 SENIOR NITE \$5.00 OFF ANY PACKAGE 5:30	22 SLOT MACHINES & BLACKJACK OPEN 24 HOURS EVERY DAY	23 SLOT MACHINES & BLACKJACK OPEN 24 HOURS EVERY DAY	24 DOUBLE-UP PLUS SPECIAL DRAWING FOR BRAND NEW BOAT	25 LETS MAKE A DEAL 7:30	26 WINNERS CIRCLE 11 DRAWINGS 1 - \$1000 10 - \$100	27 MATINEE SESSION B-SPECIAL 3:00 EVENING SESSION 7:30
28 MATINEE SESSION B-SPECIAL 1:00 SENIOR NITE \$5.00 OFF ANY PACKAGE 5:30	29 SLOT MACHINES & BLACKJACK OPEN 24 HOURS EVERY DAY	30 SLOT MACHINES & BLACKJACK OPEN 24 HOURS EVERY DAY	31 DOUBLE-UP YOUR LUCKY NUMBER COULD WIN YOU DOUBLE ON ALL 1 STAR GAMES 7:30	ALL NEW EXCITING PROGRAM STARTING AUGUST 1ST BE THERE! HIGHER STAKES - MORE ENTERTAINMENT		

January 1992 Bingo Calendar

Treasure Island
Casino & Bingo



Come Aboard.

Treasure Island
Casino & Bingo

For the pirate in all of us.

Just 30 Minutes South of The Mills Sports/St. Pauli Airport off Highway 61.
800-222-7077

Welcome to Treasure Island, the Midwest's premier gaming casino. Where you can enjoy the excitement of over 600 keno, poker and slot machines, plus 37 blackjack tables, or get in the fun of High Stakes Bingo. We also have a new restaurant serving delicious entrees or tempting snacks. It all happens around the clock, every day of the week. So come aboard! And we'll do our best to see that you go home a winner.

Come Aboard.

DEPOSITION
EXHIBIT
Flemke 16
6-11-99 DDC

This New Year, Your Ship Is About To Come In.

Come aboard and join the fun and excitement. On Tuesdays in January we'll have cash drawings every 15 minutes starting at 7:45 PM. You can win anywhere from \$25 to \$150 in minutes!!

Don't forget to mark your calendar on the 26th. It's Superbowl Sunday

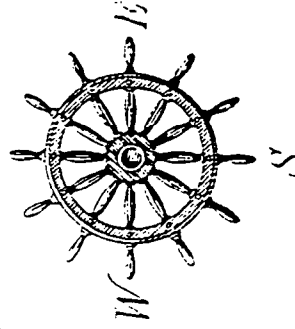
at Treasure Island, where we'll make every seat a winner. With big-screen TV's throughout the casino and specials throughout the day.

And, watch for the new

Bonanza Program coming in January. It's sure to be a winner!

Treasure Island
Casino & Bingo

For the pirate in all of us.



State of Minnesota

SECRETARY OF STATE

Certificate of Registration of Mark

I, Joan Anderson Grove, Secretary of State of Minnesota, do certify that: The applicant listed below has on this date filed in the Office of the Secretary of State an application for the registration of the mark described below. Registration of this mark is granted to the applicant for a period of ten years from this date, under the terms and subject to the limitations of Minnesota Statutes, Chapter 333. The applicant claims the date listed below as the date of first use of the mark in this state, and the attached drawing, print or representation is a true and correct specimen of the mark.

Name of Applicant: Prairie Island Tribal Council

Type: Service

Description of Mark: Treasure Island

Date of First Use in this State: 01/01/90

Classification of Mark: 41

Registration Number of Mark: 19575

Mark Used On or In Connection With: Casino and related gaming services

This certificate has been issued on: 07/22/92.



Joan Anderson Grove
Secretary of State.

PLAINTIFF
EXHIBIT

E



Island Times[®]

January 2004, Volume CV

14 Years of Excitement!



PLAINTIFF
EXHIBIT

F

Treasure Island's \$88,000 Birthday Celebration

Ride to the Tropics in Cool Comfort

The tropics are closer than you think. Hop aboard the air-conditioned Treasure Island Resort & Casino bus, and you'll be on the road to the paradise that's right next door. With our new metro routes and pickups in Rochester, Winona, LaCrosse, plus other Wisconsin cities, you can get here from just about anywhere. For more information on how you can catch the next bus to paradise, call 1-800-222-7077, Ext. 2594.



Child Care at The Island

Hours:

Mon.-Thurs.	11 am-10 pm
Fri.	11 am-1 am
Sat.	9 am-1 am
Sun.	9 am-10 pm



Great Jobs at Your Favorite Place

We're hiring for all shifts in lots of important areas. Top pay and excellent benefits. Call the job hotline at 1-800-222-7077, Ext. 2217, or stop by our Human Resources Department.

Treasure Island[™]
Resort & Casino

1-800-222-7077
www.treasureislandcasino.com

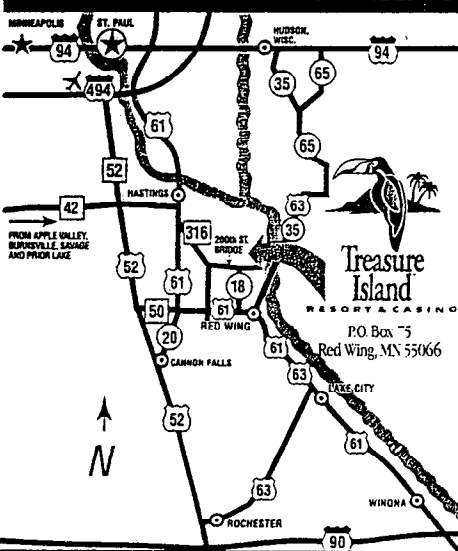
Change in your mailing address? If you have moved or changed your address, please mail your label & changes to Direct Mail Department, Treasure Island Resort & Casino, P.O. Box 75, Red Wing, MN 55066.
If you do not wish to receive this mailing, please contact our Direct Mail Department at 1-800-222-7077.



P.O. Box 75, Red Wing, MN 55066

BULK RATE
U.S. POSTAGE
PAID
LONE OAK MAILING
SERVICES

THE EASY ROADS TO RICHES



000243

Dated material; please deliver by July 1st
owned and operated by the Prairie Island Indian Community
© 1998 Treasure Island Resort and Casino

• Winning At Treasure Island Could Definitely Put A Little Sun Into Your Life.



This September, from the 1st-17th, winning at your favorite Island games is only the beginning. When you hit a same-suit blackjack, a hand-pay slot jackpot, any bingo or \$10 or more at pull tabs, you'll get a comeback coupon for a brand new Pontiac Sunfire SE. Grand Prize drawing is



September 18th at 8 p.m. Earlybird cash drawings at 6 and 7 p.m. with five \$100 winners each hour. Deposit comeback coupons from 4 to 8 p.m. on the 18th only. So get hot at your favorite Island game and you could start the hottest roll of your life. Good luck!

Must be 18 to enter & win. Treasure Island employees & their immediate families are not eligible. Vehicle supplied by Tim Amdahl's Red Wing Motor. Color & style may vary.

T 00791

TREASURE ISLAND'S CASH SHOWDOWN BLACKJACK TOURNAMENT.



PLAY FOR MONEY-NOT FOR POINTS
OVER \$9000 IN CASH
EVERY THURSDAY NIGHT*

*BASED ON 112 ENTRANTS EACH THURSDAY.



First Prize	\$4000
Second Prize	\$1600
Third Prize	\$1200
Fourth Prize	\$1000
Fifth Prize	\$ 810
Sixth Prize	\$ 590

Every Thursday Evening*
Beginning October 12, 1995
\$60 Entry Fee, \$100 Buy-In
Registration from 5-6:45 pm
Round One begins at 7:00 pm

*Except Thanksgiving.

THE PURSE

Prize money based on 112 entrants and a \$2480 contribution by Treasure Island. Purse is adjusted by final number of tournament players. Treasure Island contribution to total purse will remain constant regardless of entry number.

THE DEAL

All tournament games dealt with double decks. Play on individual game ends when number of players left reach number needed to advance or when 20 hands are concluded. All hands dead on misdeals. No bet changes allowed. Hand is re-dealt. No coaching allowed. Violators disqualified.

TIES END IN SUDDEN DEATH

In the event of a tie that affects round advancement or order of finish in final round, play-off will begin and "sudden death" prevails.

TOURNAMENT PROGRESS

Top three players from each table in round one advance. Top three players from round two advance. Top winner from each table in semi-final round plus next two top chip totals advance to a table of six contestants for the final round. Limited to 112 entrants. Subject to change at tournament start.

BETTING LIMITS

Betting limits are \$5 minimum at only \$5 increments to \$200 maximum. Players must bet each hand, one hand per player, excluding splits.

BANKROLL

Each player receives tournament chips equal to the round buy-in dollar amount (\$100). All contestants begin with the same bankroll. No additional chip buys are allowed during a round. Players must keep chips in plain view at all times and separated by denomination. Live money play format, not by a points system.

All players cash out with cash or Treasure Island chips at end of each round. Players that advance buy in to start the next round (\$100), and keep previous round winnings on table.

ROTATING FIRST BASE

First base rotates so all players have equal advantage. First base is required to bet first, all other positions follow in sequence. Bets placed in betting circle cannot be changed.

TABLE & SEAT SELECTION

Table and seat selection are determined by order of registration for the first round. All entrants must be at assigned seat 10 minutes prior to round, or they may be disqualified. Advancement is determined by table and amount of chips on a prechart basis. Seating and table assignments in the event of an odd number of entries will be done by the Tournament Director.

House rules apply. All players must be 18 years old or more to play. Decisions by Tournament Director are final. Treasure Island reserves the right to refuse any individual from tournament play at its discretion. No employees of Treasure Island or its advertising agency are allowed to play in tournament. All final round prizes \$600 and above will require W2G tax form and appropriate form of ID. Treasure Island reserves the right to cancel the tournament without prior notice.

WELCOME TO TREASURE ISLAND HOTEL & CASINO

Deal yourself in on some of the hottest action around. Over 50 Blackjack tables feature 2-4-6 deck shoes. Our Wild Cherries progressive slots can turn a \$2 bet into \$250,000. Or, take a spin at Harry's Wild Wheels, another progressive slot where one 50¢ pull can win you a new car! Our High Roller Blackjack pit is worth a visit, featuring free cocktails and hors d'oeuvres.

Over 1250 hot slots can get you on a roll at video poker, video craps, video roulette or video keno. Try your luck at high-stakes pull tabs, and win up to \$8800. While you're on the Island, visit Toucan Harry's Saloon, Tradewinds Buffet or Java's Restaurant. Sample our high stakes Bingo and live entertainment, too.

Welcome to Treasure Island Casino & Bingo.
It's hotter here.



Off Hwys. 61 & 316 Near Hastings
1-800-222-7077

TREASURE ISLAND PRESENTS

CASH SHOWDOWN BLACKJACK TOURNAMENT

Live Money Tournament Limited To 112 Entrants



WILLIAMS & FLICC

T 04432

First Prize	\$2500
Second Prize	\$1200
Third Prize	\$ 800
Fourth Prize	\$ 600
Fifth Prize	\$ 500
Sixth Prize	\$ 400

Every Other Thursday Evening:
January 5 & 19 • February 2 & 16
March 2, 16 & 30 • April 13 & 27

\$50 Entry Fee, \$100 Buy-In

Registration from 5-6:45 pm

Round One begins at 7:00 pm

The Deal

All tournament games will be dealt with double decks. Play on an individual game will end when the number of players left reach the number needed to advance or when 20 hands dealt are concluded, whichever occurs first. All hands dead on misdeals. No bet changes allowed. Hand is re-dealt. No coaching allowed. Violators disqualified.

Betting Limits

Betting limits are \$5 minimum to \$200 maximum. Players must bet each hand, one hand per player, excluding splits. Only \$5 increments allowed—no \$2.50 bets accepted.

Tournament Progress

Top three players from each table in round one advance. Top three players from round two advance. Top winner from each table in semi round plus next two top chip totals advance to a table of six contestants in the final. Limited to 112 entrants. Subject to change at time of tournament.

Ties End In Sudden Death

In the event of a tie that affects round advancement or order of finish in the final round—playoff will begin and “sudden death” prevails.

Bankroll

Each player receives tournament chips equal to the round buy-in dollar amount (\$100). All contestants begin with the same bankroll. No additional chip buys are allowed during a round. Players must keep chips in plain view at all times and separated by denomination. Live money play format, not by a points system.

All players will be cashed out with cash or Treasure Island chips at the end of each round. You keep the dollar amount in front of you at the end of the round. Players that advance will buy in to start the next round (\$100).

Rotating First Base

Rotating first base will be used so all players have equal advantage regardless of seating assignment. First base is required to bet first with all other positions to follow in sequence. Once a bet has been put in the betting circle, it cannot be changed.

Table & Seat Selection

Table and seat selection are determined by order of registration for the first round. All entrants must be at assigned seat 10 minutes prior to round, or they may be disqualified. Advancement for the remaining rounds is determined by table and amount of chips on a prechart basis. Seating and table assignments in the event of an odd number of entries will be done by the Tournament Director.

House rules apply. All players must be 18 years old or more to play. Decisions by Tournament Director are final. Treasure Island reserves the right to refuse any individual from tournament play at its discretion. No employees of Treasure Island or its advertising agency are allowed to play in tournament. All final round prizes \$600 and above will require W2G tax form and appropriate form of ID. Treasure Island reserves the right to cancel the tournament without prior notice.

Blackjack, Slots & More Ways To Play & Win.

Deal yourself in on some of the most exciting action around. Our 56 Blackjack tables feature 2, 4 & 6 deck shoes. When you compare that to the 8 deck shoes you'll find at other casinos, you'll see that Treasure Island is the best deal around.

With over 1250 high-return slots to choose from, you can play a hand of video poker or pick your lucky numbers in a game of video keno. Try your luck at high-stakes pull tabs and win up to \$5000.

Play Smart. Join The Captain's Club.

Your Captain's Club card entitles you to earn valuable points with every game you play. The points keep accumulating with every visit to Treasure Island and are redeemable for everything from tickets and trips to TVs. Best of all, joining the Captain's Club is absolutely free.



Off Hwys. 61 & 316 Near Hastings
1-800-222-7077



A Tropical Paradise For Your Group.

Come to Treasure Island. You'll find a perfect environment for group functions of all types and sizes — 5 to 500 people. Everybody will thank you for choosing Treasure Island, where the atmosphere is always warm and the fun is nonstop.



Yo, Ho, Ho And A Pile Of Loot.



Shiver-me-timbers, it's a whole new year. And that means at Treasure Island Casino, there's an entire year of winning ahead.

With 37 blackjack tables, high-stakes bingo and over 600 keno, poker and high-return slot machines, it's going to be the most exciting year ever. Linger over delicious entrees in the Treasure Chest restaurant, or just pick up a tempting snack to make your visit an all-around jackpot.

Remember—we're always open around the clock, every single day of the week.

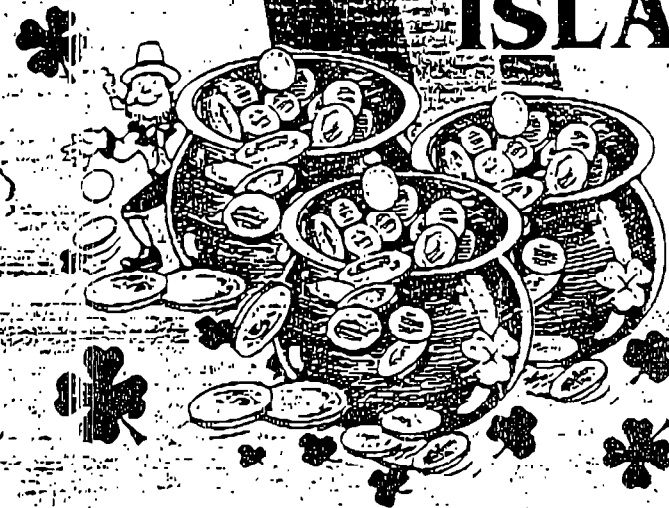
Just 30 Minutes South of the Minneapolis/St. Paul Airport off Highway 61. 1-800-222-7077.

MUST be 18 years of age to play


**Treasure
Island
Casino**

For the pirate in all of us.

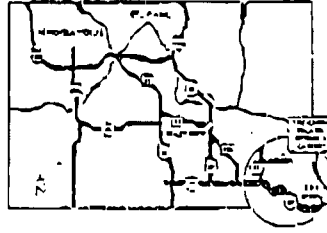
Find Your POT O' GOLD At TREASURE ISLAND



31
BLACKJACK
TABLES
\$2 to \$500 Bets
OVER 650 SLOTS
Higher Stakes

BINGO
BINGO

Casino Open 24 Hours
7 Days a Week



Treasure Island

C • A • S • I • N • O B • I • N • G • O

BETWEEN HASTINGS & RED WING, MN ON HWY. 61 • CALL TOLL FREE: 1-800-222-7677 • OR - 612-354-5200

UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK TRIAL AND APPEAL BOARD

	)	Reg. Nos.	1,949,380;	1,955,279;
PRAIRIE ISLAND INDIAN COMMUNITY,	)	2,010,396;	2,176,004;	1,984,421;
	)	2,024,221;	2,019,481;	1,918,033;
Petitioner,	)	1,941,475;	1,966,090;	1,903,619;
	)	1,943,123;	1,949,379;	1,985,968;
v.	)	2,040,756;	2,040,770;	1,981,369
)			
TREASURE ISLAND CORPORATION,	)	Cancellation Nos.	28,126;	28,127;
	)	28,130;	28,133;	28,145;
Registrant.	)	28,155;	28,199;	
	)	28,248;	28,280;	28,294;
	)	28,314;	28,319;	
	)	28,325;	28,342;	28,379;
	)	28,171;	28,174	

**REGISTRANT'S RESPONSES
TO PETITIONER'S SECOND REQUESTS FOR ADMISSIONS**

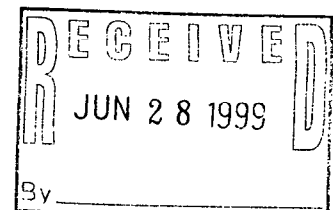
Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and Rule 411 of the Trademark Trial and Appeal Board Manual of Procedure, Registrant hereby objects and responds to Petitioner's Second Requests for Admissions in the consolidated cancellation proceedings referenced above.

GENERAL OBJECTIONS APPLICABLE TO ALL REQUESTS

1. Registrant objects to each request to the extent it seeks information protected by the attorney-client privilege or work product doctrine.
2. Registrant objects to each request to the extent it seeks information not within the possession, custody or control of Registrant.
3. Registrant objects to the requests to the extent they seek to impose duties on the Registrant beyond the scope of the Federal Rules of Civil Procedure.

PLAINTIFF
EXHIBIT

G



4. Registrant reserves the right to supplement, amend and correct the responses set forth below. Registrant's investigation is ongoing and the information contained in these responses is preliminary.

5. Registrant objects to each request to the extent it seeks confidential, proprietary or sensitive business information.

6. Registrant incorporates by reference the "Preliminary Statement, Reservation of Rights and Continuing General Objections" set forth in numbered paragraphs 1 through 15 in "Petitioner's Answer and Objections to Respondent's First Set of Interrogatories" served in Cancellation No. 28,126.

OBJECTIONS AND RESPONSES

REQUEST FOR ADMISSION NO. 1:

Use of the mark TREASURE ISLAND in connection with slot machines and in the advertising of such slot machines constitutes use of the mark TREASURE ISLAND in connection with casino services.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Registrant objects to this request on the grounds that it is vague, ambiguous and compound. Without waiving said objection, Registrant responds as follows: Deny, but admit that GNLV, Corp.'s and The Mirage Casino-Hotel's use of the TREASURE ISLAND mark in connection with slot machines and in the advertising of slot machines constitutes use of the mark TREASURE ISLAND for casino services.

REQUEST FOR ADMISSION NO. 2:

Use of the mark TREASURE ISLAND in connection with slot merchandising and in the advertising of such slots merchandising constitutes use of the mark TREASURE ISLAND in connection with casino services.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 2:

Registrant objects to this request on the grounds that it is vague, ambiguous and compound. Without waiving said objection, Registrant responds as follows: Deny, but admit that GNLV, Corp.'s and The Mirage Casino-Hotel's use of the TREASURE ISLAND mark in connection with slot machines and in the advertising of slot machines constitutes use of the mark TREASURE ISLAND for casino services.

REQUEST FOR ADMISSION NO. 3:

The Petitioner uses the TREASURE ISLAND mark in connection with Casino Services.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 3:

Deny. Based on the documents produced by Petitioner in discovery to date and the limited number of depositions taken to date, it appears as though Petitioner provides casino services using a variety of different marks, none of which is Treasure Island alone.

REQUEST FOR ADMISSION NO. 4:

The marks TREASURE ISLAND as used in connection with casino services and TREASURE ISLAND AT THE MIRAGE as used in connection with casino services create the same commercial impression.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 4:

Registrant objects to this request on the ground that it is vague and ambiguous as to the use referred to. Without waiving said objection, Registrant responds as follows: Deny,

but admit that the mark TREASURE ISLAND as formerly used by GNLV, Corp. and The Mirage Casino-Hotel and the dominant part of the mark TREASURE ISLAND AT THE MIRAGE as used by Registrant are the same: TREASURE ISLAND.

REQUEST FOR ADMISSION NO. 5:

The mark TREASURE ISLAND as used in connection with casino services is not materially different from the mark TREASURE ISLAND AT THE MIRAGE as used in connection with casino services.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 5:

Registrant objects to this request on the grounds that it is vague and ambiguous. Without waiving said objection, Registrant responds as follows: Deny.

REQUEST FOR ADMISSION NO. 6:

The Petitioner's TREASURE ISLAND mark, as used in connection with casino services, is confusingly similar to Registrant's mark TREASURE ISLAND AT THE MIRAGE as used in connection with casino services.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 6:

Registrant objects to this request on the grounds that it is vague and ambiguous. Without waiving said objection, Registrant responds as follows: Deny.

REQUEST FOR ADMISSION NO. 7:

The mark depicted in U.S. Registration 2,010,396 (TREASURE ISLAND AT THE MIRAGE) has never been used by GNLV Corp. in connection with slot machines.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 7:

Registrant objects to this request on the grounds that it is vague and ambiguous. Without waiving said objection, Registrant responds as follows: Deny, but admit that

GNLV, Corp. used the TREASURE ISLAND mark in connection with slot machines, and "Treasure Island" is the dominant part of the mark TREASURE ISLAND AT THE MIRAGE.

REQUEST FOR ADMISSION NO. 8:

The mark depicted in U.S. Registration 2,010,396 (TREASURE ISLAND AT THE MIRAGE) has never been used by GNLV Corp. in connection with slot machines at the Golden Nugget Hotel and Casino in Las Vegas, Nevada.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 8:

Registrant objects to this request on the grounds that it is vague and ambiguous. Without waiving said objection, Registrant responds as follows: Deny, but admit that GNLV, Corp. used the TREASURE ISLAND mark in connection with slot machines at the Golden Nugget Hotel & Casino, and "Treasure Island" is the dominant part of the mark TREASURE ISLAND AT THE MIRAGE.

REQUEST FOR ADMISSION NO. 9:

The mark depicted in U.S. Registration 2,010,396 (TREASURE ISLAND AT THE MIRAGE) has never been used by GNLV Corp. in connection with slots merchandising services.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 9:

Registrant objects to this request on the grounds that it is vague and ambiguous. Without waiving said objection, Registrant responds as follows: Deny, but admit that GNLV, Corp. used the TREASURE ISLAND mark in connection with slot machines and their promotion, and "Treasure Island" is the dominant part of the mark TREASURE ISLAND AT THE MIRAGE.

REQUEST FOR ADMISSION NO. 10:

The mark depicted in U.S. Registration 2,014,221 (TREASURE ISLAND AT THE MIRAGE THE ADVENTURE RESORT) has never been used by GNLV Corp. in connection with slot machines.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 10:

Registrant objects to this request on the grounds that it is vague and ambiguous. Without waiving said objection, Registrant responds as follows: Deny, but admit that GNLV, Corp. used the TREASURE ISLAND mark in connection with slot machines, and "Treasure Island" is the dominant part of the mark TREASURE ISLAND AT THE MIRAGE THE ADVENTURE RESORT.

REQUEST FOR ADMISSION NO. 11:

The mark depicted in U.S. Registration 2,024,221 (TREASURE ISLAND AT THE MIRAGE THE ADVENTURE RESORT) has never been used by GNLV Corp. in connection with slot machines at the Golden Nugget Hotel and Casino in Las Vegas, Nevada.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 11:

Registrant objects to this request on the grounds that it is vague and ambiguous. Without waiving said objection, Registrant responds as follows: Deny, but admit that GNLV, Corp. used the TREASURE ISLAND mark in connection with slot machines at the Golden Nugget Hotel & Casino, and "Treasure Island" is the dominant part of the mark TREASURE ISLAND AT THE MIRAGE THE ADVENTURE RESORT.

REQUEST FOR ADMISSION NO. 12:

The mark depicted in U.S. Registration 2,024,221 (TREASURE ISLAND AT THE MIRAGE THE ADVENTURE RESORT) has never been used by GNLV Corp. in connection with slots merchandising services.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 12:

Registrant objects to this request on the grounds that it is vague and ambiguous. Without waiving said objection, Registrant responds as follows: Deny, but admit that GNLV, Corp. used the TREASURE ISLAND mark in connection with slot machines and their promotion, and "Treasure Island" is the dominant part of the mark TREASURE ISLAND AT THE MIRAGE THE ADVENTURE RESORT.

REQUEST FOR ADMISSIONS NO. 13:

The Registrant did not use the mark depicted in U.S. Registration No. 2,010,396 (TREASURE ISLAND AT THE MIRAGE) until October 26, 1993.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 13:

Registrant objects to this request on the grounds that it is vague and ambiguous. Without waiving said objection, Registrant responds as follows: Deny.

REQUEST FOR ADMISSION NO. 14:

The Registrant's constructive date of first use in connection with mark depicted in U.S. Registration No. 2,010,396 (TREASURE ISLAND AT THE MIRAGE) is July 23, 1993.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 14:

Registrant objects to this request on the grounds that it is vague and ambiguous as regards the term "constructive date of first use."

REQUEST FOR ADMISSION NO. 15:

The Registrant did not use the mark depicted in U.S. Registration No. 2,024,221 (TREASURE ISLAND AT THE MIRAGE THE ADVENTURE RESORT) until October 27, 1993.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 15:

Registrant objects to this request on the grounds that it is vague and ambiguous. Without waiving said objection, Registrant responds as follows: Deny.

REQUEST FOR ADMISSION NO. 16:

The Registrant's constructive date of first use in connection with the mark depicted in U.S. Registration No. 2,024,221 (TREASURE ISLAND AT THE MIRAGE) is July 23, 1993.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 16:

Registrant objects to this request on the grounds that it is vague and ambiguous as regards the term "constructive date of first use."

REQUEST FOR ADMISSION NO. 17:

The mark depicted in U.S. Registration No. 2,024,221 (TREASURE ISLAND AT THE MIRAGE THE ADVENTURE RESORT) as used in connection with casino services is indistinguishable from the mark TREASURE ISLAND as used in connection with casino services.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 17:

Registrant objects to this request on the grounds that it is vague and ambiguous. Without waiving said objection, Registrant responds as follows: Deny.

REQUEST FOR ADMISSION NO. 18:

The mark depicted in U.S. Registration No. 2,010,396 (TREASURE ISLAND AT THE MIRAGE) as used in connection with casino services is indistinguishable from the mark TREASURE ISLAND as used in connection with casino services.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 18:

Registrant objects to this request on the grounds that it is vague and ambiguous. Without waiving said objection, Registrant responds as follows: Deny.

REQUEST FOR ADMISSION NO. 19:

The mark depicted in U.S. Registration No. 2,024,221 (TREASURE ISLAND AT THE MIRAGE THE ADVENTURE RESORT), as used in connection with casino services creates the same commercial impression as the mark TREASURE ISLAND as used in connection with casino services.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 19:

Registrant objects to this request on the grounds that it is vague and ambiguous. Without waiving said objection, Registrant responds as follows: Deny, but admit that the dominant part of the mark TREASURE ISLAND AT THE MIRAGE THE ADVENTURE RESORT as used in connection with casino services by Registrant creates the same commercial impression as the mark TREASURE ISLAND as formerly used in connection with casino services by GNLV, Corp. and The Mirage Casino-Hotel.

REQUEST FOR ADMISSION NO. 20:

The mark depicted in U.S. Registration No. 2,010,396 (TREASURE ISLAND AT THE MIRAGE), as used in connection with casino services creates the same commercial impression as the mark TREASURE ISLAND as used in connection with casino services.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 20:

Registrant objects to this request on the grounds that it is vague and ambiguous. Without waiving said objection, Registrant responds as follows: Deny, but admit that the dominant part of the mark TREASURE ISLAND AT THE MIRAGE as used in connection with casino services by Registrant creates the same commercial impression as the mark TREASURE ISLAND as formerly used in connection with casino services by GNLV, Corp. and The Mirage Casino-Hotel.

REQUEST FOR ADMISSION NO. 21:

The mark depicted in U.S. Registration No. 2,024,221 (TREASURE ISLAND AT THE MIRAGE THE ADVENTURE RESORT), as used in connection with casino services, and the mark TREASURE ISLAND as used in connection with casino services are not materially different.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 21:

Registrant objects to this request on the grounds that it is vague and ambiguous as regards the term "materially different."

REQUEST FOR ADMISSION NO. 22:

The mark depicted in U.S. Registration No. 2,010,396 (TREASURE ISLAND AT THE MIRAGE), as used in connection with casino services, and the mark TREASURE ISLAND as used in connection with casino services are not materially different.

OBJECTIONS AND RESPONSE TO REQUEST FOR ADMISSION NO. 22:

Registrant objects to this request on the grounds that it is vague and ambiguous as regards the term "materially different."

QUIRK & TRATOS

By: 

Mark G. Tratos, Esq.
Michael J. McCue, Esq.
W. David Shenk, Esq.
3773 Howard Hughes Parkway
Suite 500 North
Las Vegas, Nevada 89109

Attorneys for Registrant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **REGISTRANT'S RESPONSES TO PETITIONER'S SECOND REQUESTS FOR ADMISSIONS** was transmitted this 23rd day of June, 1999, by first class mail, postage prepaid, to Petitioner's counsel of record, as follows:

Henry N. Buffalo, Jr.
Joseph F. Halloran
JACOBSON, BUFFALO, SCHOESSLER & MAGNUSON, Ltd.
246 Iris Park Place
1885 University Avenue
St. Paul, MN 55104

Orrin Haugen
Eric Haugen
Haugen Law Firm PLLP
121 South Eighth Street, Suite 1130
Minneapolis, Minnesota 55402



An Employee of Quirk & Tratos

UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK TRIAL AND APPEAL BOARD

COPY

PRAIRIE ISLAND INDIAN COMMUNITY,)
)
Petitioner,)
)
v.)
)
TREASURE ISLAND CORPORATION,)
)
Respondent.)

Reg. Nos. 1,949,380; 1,955,279; 2,010,396;
2,176,004; 1,984,421; 2,024,221; 2,019,481;
1,918,033; 1,941,475; 1,966,090; 1,903,619;
1,943,123; 1,949,379; 1,985,968; 2,040,756;
2,040,770; 1,981,369

Cancellation Nos. 28,126; 28,127; 28,130;
28,133; 28,145; 28,155; 28,199; 28,248; 28,280;
28,294; 28,314; 28,319; 28,325; 28,342; 28,379;
28,171; 28,174

DEPOSITION OF MARK RUSSELL, VOLUME II

Taken at the Law Offices of Quirk & Tratos
3773 Howard Hughes Parkway, Suite 500 North
Las Vegas, Nevada

On Thursday, June 24, 1999
At 9:00 a.m.

Reported by: MONIKA C. COYLE
NV CCR No. 523
CA CSR No. 4254

1 an arch at the bottom. In the middle between the
2 words it's two cross swords, and the swords cross
3 through a design that incorporates the letters T and
4 I.

5 MR. HALLORAN: Can I get the TIC number on
6 that?

7 THE WITNESS: TIC 0333.

8 MR. HAUGEN: Thank you.

9 BY MR. HAUGEN: (Continuing)

10 Q. Do you know why the words "Treasure
11 Island" are more prominent on that than the words "At
12 The Mirage"?

13 MR. McCUE: Objection. I'm not sure it
14 properly characterizes the logo.

15 THE WITNESS: From my standpoint -- I'm
16 not the artist who designed this -- the reason that
17 you'd want "Treasure Island" to be more prominent
18 than the entire phrase is you want to develop
19 shorthand product identity. And when people discuss
20 where they stay or where they go in Las Vegas, what
21 they say is "I'm going to stay at Treasure Island."
22 Because using an entire sentence to identify a hotel
23 is cumbersome and very difficult to market, and you
24 lose your message.

25 And there's, you know, hundreds and

1 hundreds of reasons from Advertising 101 that you
2 don't want something that complicated. What you want
3 to do is develop a brand identity that grabs your
4 attention and is easily remembers. So that's why the
5 "Treasure Island" -- you would want the "Treasure
6 Island" to stick out, because over time, that's how
7 you want your property referred to. In fact, that's
8 exactly what has happened.

9 BY MR. HAUGEN: (Continuing)

10 Q. Okay. How many other people -- well,
11 strike that.

12 How many other entities are you aware of
13 that use "Treasure Island" in connection with casino
14 services, as we sit here today?

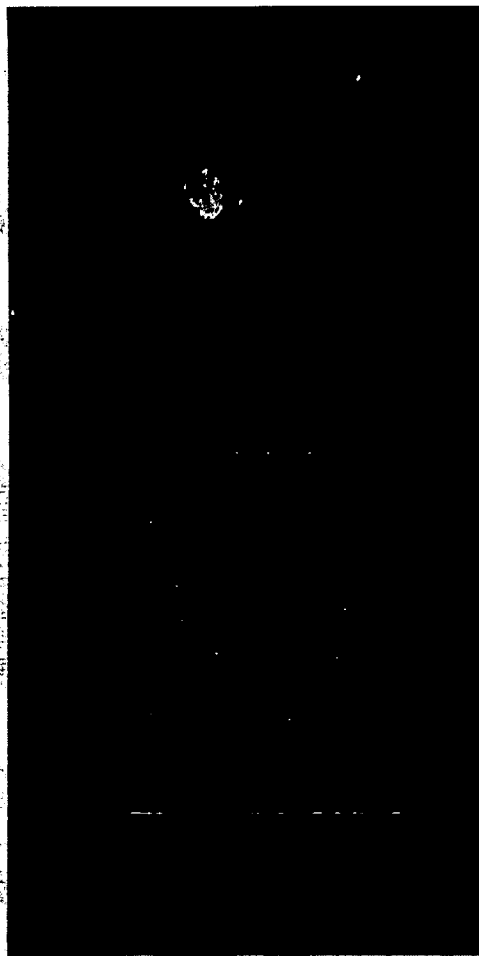
15 A. Well, the only one I know of for a fact is
16 your client. I'm aware of -- I'm aware of another
17 one or was aware of another one from back in 1991. I
18 don't know whether they're still in operation or not,
19 but two at the most.

20 Q. Okay. Is that the one down in the
21 Caribbean?

22 A. Yes. No -- well, that's the other one in
23 addition to your client?

24 Q. Correct.

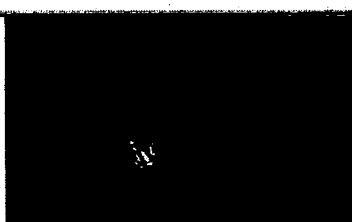
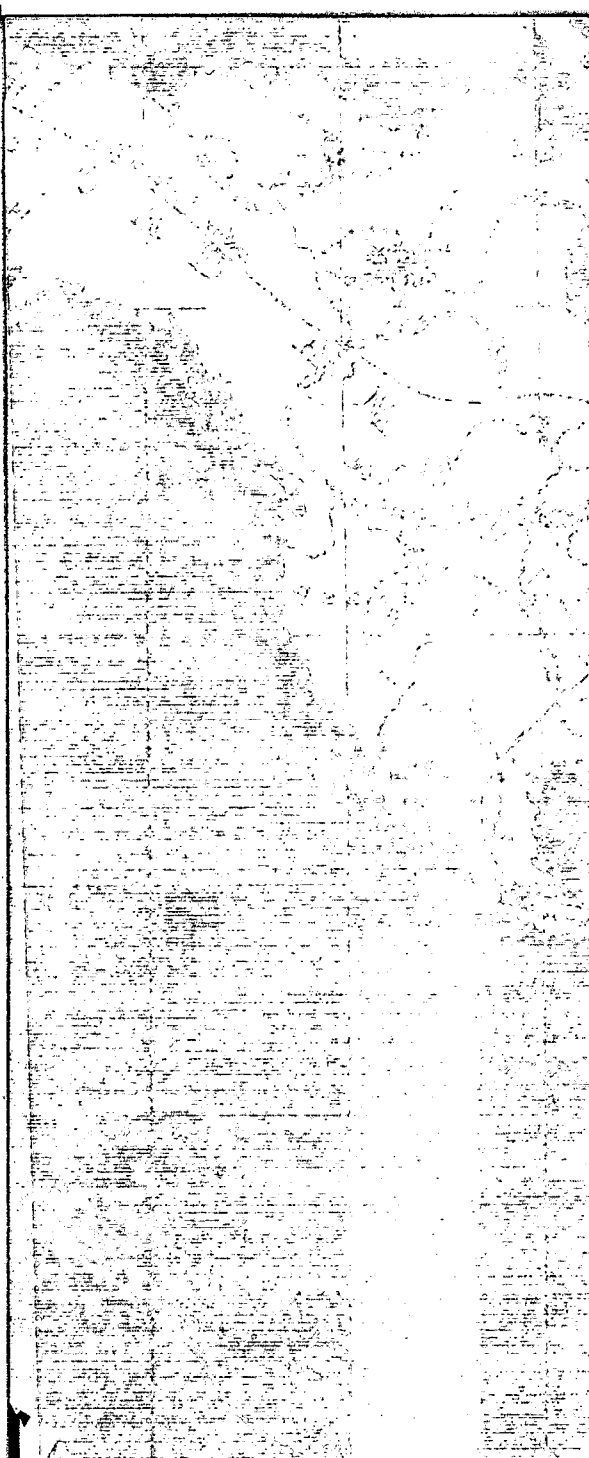
25 A. Yes.



Treasure Island

PLAINTIFF
EXHIBIT

I



Welcome to Treasure Island. This guide is an introduction to the Treasure Island Casino and is designed to instruct you on the basics of gaming. There are separate guides which cover the Race & Sports Book and more detailed information is available regarding Poker and Keno.

If you have any questions that are not answered in this guide, please don't hesitate to ask any of our casino staff. They will be happy to assist you.

Good luck,



Marc Schorr
President

Keno is a very simple game to play. Each keno ticket is numbered from one to eighty. These numbers correspond to the numbered balls in the keno bowl from which twenty numbers are randomly selected during each game.

To play keno you simply mark one to twenty numbers on a blank keno ticket, and designate the amount you wish to wager in the space indicated on the ticket. Present this ticket with your wager to a keno writer or runner and you will receive a copy of your ticket. Retain this ticket because if you win, it must be presented for payment.

When each game begins, the selected numbers will be displayed on keno boards located throughout the casino. Compare your copy with the numbers displayed on the keno boards.

If you are a winner, present your ticket immediately to a keno writer or runner.

Treasure Island also offers Sail Away Keno, which enables keno enthusiasts to play up to one thousand games! If you play one to twenty games, you must collect your winnings immediately after your last game is run. If you play twenty-one games or more on Sail Away Keno tickets, you have a full year to collect your winnings. Just mark your tickets, pay for the games, and call us at (702) 894-7274 for the results.

Keno may be played in almost every area of the casino. Relax in the Keno Lounge, or play while you enjoy cocktails or dine in the Lookout Cafe. Keno runners do not run the Buffet (Sail Away Keno suggested).

KENO \$250,000									
1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80

The Slot Player's Ultimate Adventure...For the serious slot player, we've created **The Treasure Island Club**. Play any of the participating dollar and above slot machines and earn Treasure Island Club bonus points. These bonus points may then be redeemed for cash or goods and services in any outlet at Treasure Island or the Mirage. As an added convenience your Treasure Island Club card can also be used at The Mirage. Simply insert your club card into any participating machine and you will automatically be registered as a club member in Club Mirage.

Membership in The Treasure Island Club grants you VIP privileges. As a Treasure Island Club member you will receive a special club room rate and based on your point level, you will be eligible for various special offers throughout the year.

At Treasure Island, change service for slot play is as close as the nearest slot machine. Our slots are equipped with a built-in bill acceptor. Simply insert your bill and you are ready to play!

Treasure Island also offers several exclusive slot programs guaranteed to add excitement to your play:

Nickelodeon Put another nickel in the Nickelodeon and a jackpot of over \$2,500 could bring you "Money...Money...Money."

Grand Prix Of Slots Shift into gear and let the reels of the 25¢ Grand Prix carry you to a victory worth \$20,000

Fastbuck The world's most frequently hit progressive jackpot could be yours as we give away over \$10,000 twice every day.

X Marks The Spot In addition to your jackpot on this quarter progressive machine line up a giant "X" for double your booty!

Neptune's Treasure For just three dollars you can win King Neptune's treasure trove worth over \$20,000.



[HOTEL RESERVATIONS/HOTEL RATES](#)

[SPECIAL PROMOTIONS](#)

[PLAY GAMES & WIN PRIZES](#)

[SIGN GUESTBOOK](#)

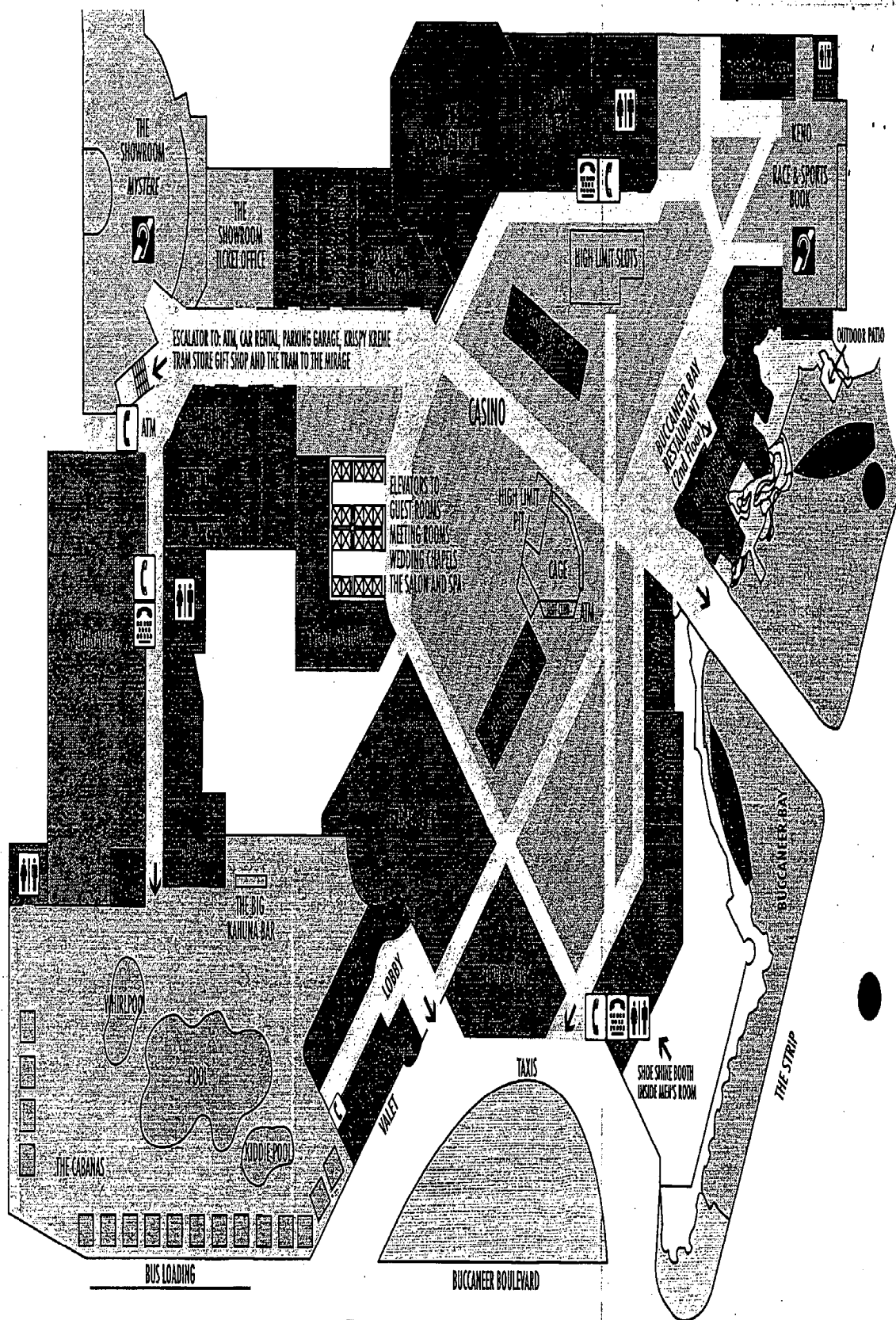
[CONTACT US/FAQ](#)

[PLAN A MEETING](#)

[ACCOMMODATIONS](#) [DURING](#) [MYSTÈRE-CIRQUE DU SOLEIL](#) [ATTRACTIONS](#) [SALON & SPA](#) [MEETINGS](#)

PLAINTIFF
EXHIBIT

J



-  REST ROOMS
-  TDD PHONES
-  VOLUME CONTROL
HANDSETS LOCATED AT
ALL TELEPHONE BANKS
-  TELEPHONES
-  ACCESS FOR HEARING IMPAIRED
-  ALL REST ROOMS AND
TELEPHONE BANKS ARE
WHEELCHAIR ACCESSIBLE

Treasure Island is an ADA accessible facility. If you need assistance, contact the Front Desk.

Lounges

Battle Bar

Convenient to the Race and Sports Book, you can share all the excitement of major sporting events with your friends and fans, or right outside, thrill to the close-as-can-be action of the live pirate battle from our outdoor patio. Weather permitting. Specialty coffees are available. Open 24 hours. (Patio hours are seasonal.)

Hideaway Lounge

Indulge yourself on premium wines, cognacs, bourbons, and other drinks in an intimate living room setting. Located adjacent to Francesco's. Open 24 hours. Entertainment nightly.

Swashbucker's Bar

Sample one of Treasure Island's unique concoctions at this bar, or, if you wish, play one of our slot machines. Located in the heart of our Casino. Open 24 hours.

The Gold Bar

This is the in-place for a quick break in the action. Located on the Casino floor next to Terrace Café. Open 24 hours.

Features

Buccaneer Bay Pirate Village and Live Sea Battle

Our Buccaneer Bay Pirate Show is performed daily, late afternoons and evenings, weather conditions permitting. Show times are posted. (Located at the Las Vegas Boulevard entrance.)

Mystère

The world-renowned theatrical troupe Cirque du Soleil performs Mystère. Tickets are available at Treasure Island Ticket Office or the Mystère Booth at The Mirage. Hotel guests may make reservations for Mystère in advance.

Gift Certificates

Treasure Island has Gift Certificates available at Guest Services, the Salon and Spa, and at Terrace Café. Telephone orders are accepted at ext. 7475.

Slot Club

Join the Treasure Island Club at the Slot Club Booth located behind the Casino Cage and receive cash rebates for slot play.

Minors in the Casino

We hope you enjoy your stay with us at Treasure Island. If children are accompanying you on your visit, you should know that state law prohibits anyone under 21 years of age from entering casino gaming areas.

Please feel free, however, to enjoy our non-gaming facilities including the pool, Mutiny Bay Adventure Center, the Buccaneer Bay Pirate Battle, Mystère, the Salon, our restaurants and retail shops.

Thank you for your cooperation.

Restaurants

Buccaneer Bay Restaurant

Dine on gourmet fare in this unique setting above the Pirate Village. Reservations suggested. No children under the age of five allowed. Dressy casual attire.

Dinner: 5:00 p.m. - 10:30 p.m.

Francesco's

One of our finest restaurants featuring innovative Italian selections in a festive open-air kitchen atmosphere. Reservations suggested. No children under the age of five allowed. Dressy casual attire. Dinner: 5:30 p.m. - 11:00 p.m.

The Steak House

Superior steaks and fresh seafood selections are served in a traditional chophouse atmosphere. Reservations suggested. No children under the age of five allowed. Dressy casual attire.

Dinner: 5:30 p.m. - 11:00 p.m.

Madame Ching's

Dine on the classic Szechuan and Cantonese cuisines of China. Reservations suggested. No children under the age of five allowed. Dressy casual attire.

Dinner: Wednesday - Sunday: 5:30 p.m. - 11:00 p.m.

Kahunaville

Dine in an island paradise setting featuring regional cuisine with tropical influences and a lively bar atmosphere.

Sunday - Thursday: 11:00 a.m. - 2:00 a.m.

Friday and Saturday: 11:00 a.m. - 4:00 a.m.

Terrace Cafe

Overlooking the casino and our lushly landscaped swimming pool, our cafe offers a vast selection of menu items. Open 24 hours.

The Treasure Island Buffet

A variety of tempting delights are offered for breakfast, lunch and dinner.

Breakfast: 7:00 a.m. - 10:45 a.m. - Monday - Friday

Lunch: 11:00 a.m. - 3:45 p.m. - Monday - Friday

Dinner: 4:00 p.m. - 10:30 p.m.

Saturday & Sunday Champagne Brunch: 7:30 a.m. - 3:45 p.m.

The Delicatessen

Hot and cold sandwiches and an assortment of Deli favorites.

Monday - Friday: 11:00 a.m. - midnight

Saturday and Sunday: 9:00 a.m. - midnight

Ben & Jerry's®

Vermont's Finest® ice cream, milkshakes and sundaes.

Sunday-Thursday: 11:00 a.m. - midnight

Friday and Saturday: 11:00 a.m. - 1:00 a.m.

Starbucks Coffee®

A great way to start your day, or relax at anytime. Featuring coffee, latte, cappuccino, espresso, Frappuccino® and fresh pastries.

Sunday - Thursday: 6:00 a.m. - midnight

Friday and Saturday: 6:00 a.m. - 1:00 a.m.

Treasure Island at the Mirage

3300 Las Vegas Blvd. South

Las Vegas, Nevada 89109

(702) 894-7111

TDD (702) 894-7100

FAX (702) 894-7414

ROOM RESERVATIONS

(800) 944-7444

TDD (800) 929-8333

FAX (702) 894-7446

RESTAURANT RESERVATIONS

(702) 894-7223

FAX (702) 894-7437

SHOW RESERVATIONS

Mystère - Cirque du Soleil

(800) 392-1999

SALES DEPARTMENT

(800) 944-7711

FAX (702) 894-7788

CATERING DEPARTMENT

(800) 540-0204

FAX (702) 894-7669

GDS ACCESS CODES

Sabre - YX38458

Apollo/Galileo - YX63775

Worldspan - YXSLAST

Amadeus - YKLASTRI

WEBSITE

www.treasureisland.com

**TREASURE
ISLAND**
AT THE MIRAGE.

Resort Guide

Shopping

Visit our themed retail stores and fashion boutiques.

Lobby Store

Located adjacent to the Front Desk, the Lobby Store offers ancient coins, fashion jewelry, a selection of fine gifts, logos, sundries, snacks and beverages.

The Watch Shoppe

Select from an extensive collection of fine watches, ancient coins and 14 karat gold jewelry. Featuring Rolex and semi-precious gems.

The Buccaneer Bay Shoppe

Located on Buccaneer Bay at our main entrance, the Buccaneer Bay Shoppe offers a complete selection of Treasure Island logo merchandise including T-shirts, sweatshirts, jackets, caps and souvenirs. Open 24 hours.

The Treasure Island Store

Open 24 hours a day to satisfy your every shopping need. From the forgotten toothbrush to your favorite magazine, we have a wide variety of merchandise including sundries, snacks and beverages. Treasure Island themed logo gifts and fresh floral arrangements are also available.

Located next to The Treasure Island Buffet.

TI Women's Collection

Located next to the Treasure Island Store, TI Women's Collections carries an exciting variety of women's contemporary fashions.

Candy Reef

Indulge your favorite sweet fantasy at Candy Reef.

Featuring homemade fudge and specialty candies, chocolates and treats by the pound. Located between

The Treasure Island Store and The Showroom Ticket Office.

Mystère Store

Located next to Captain Kids, Mystère Store offers a wide variety of souvenirs from the Mystère show. A complete assortment of Cirque du Soleil music, videos and other Mystère souvenirs are available.

Captain Kids

For your child and the child in you, Captain Kids is a dream come true. Captain Kids features Treasure Island logo merchandise, plush animals and toys, as well as a specialty boutique for girls and boys. Located between Damsels and Mystère Store.

Damsels

Offers an exciting variety of women's designer footwear and unique fashion accessories.

Located across from Candy Reef.

Tram Store

The Tram Store is located near the entrance to the tram at the top of the escalator by the Self-Park Garage and offers a complete selection of Treasure Island and Cirque du Soleil logo merchandise for adults and children. Open 24 hours.

CALL TRACKING SUMMARY

[illegible]

TOUR DEPT. CALLS
IC IN THE LAST 3
MONTHS

**PLAINTIFF
EXHIBIT**

K

All Users Codes: Y

Room Types: All

Arrival Date: All Stay Date: All Min Stay: 0 Max Stay: 999

00:00 - 23:59	1
02/25/99 Total	1
03/06/99 Saturday	
JJ - Jesse Marilio	1
00:00 - 23:59	1
03/06/99 Total	1
03/27/99 Saturday	
SW - Sharlee Wheatley	1
00:00 - 23:59	1
03/27/99 Total	1
04/02/99 Friday	
JL - Kautz, Jarille	1
00:00 - 23:59	1
04/02/99 Total	1
04/07/99 Wednesday	
HB -	1
00:00 - 23:59	1
04/07/99 Total	1
04/09/99 Friday	
DH - Dorothy Hachmann	1
00:00 - 23:59	1
04/09/99 Total	1
04/12/99 Monday	
MD - Melissa Dodge	1
00:00 - 23:59	1
04/12/99 Total	1

PLAINTIFF
EXHIBIT

L

All Users Codes: Y

Room Types: All

Arrival Dates: All Stay Dates: All Min Stay: 0 Max Stay: 999

04/16/99 Friday

HB - 1

00:00 - 23:59 1

04/16/99 Total 1

04/19/99 Monday

JL - Kautz, Janelle 1

00:00 - 23:59 1

04/19/99 Total 1

04/28/99 Wednesday

MD - Melissa Dodge 7

00:00 - 23:59 7

04/28/99 Total 7

05/18/99 Tuesday

JF - Jeanette Birst 1

00:00 - 23:59 1

05/18/99 Total 1

05/25/99 Tuesday

JF - Jeanette Birst 1

00:00 - 23:59 1

05/25/99 Total 1

05/29/99 Saturday

HB - 1

00:00 - 23:59 1

05/29/99 Total 1

05/30/99 Sunday

BW - 1

All Users Codes: Y

Room Type: All

Arrival Date: All Stay Date: All Min Stay: 0 Max Stay: 999

00:00 - 23:59	1
05/30/99 Total	1
06/29/99 Tuesday	
JL - Kautz, Janelle	1
00:00 - 23:59	1
06/29/99 Total	1
07/11/99 Sunday	
PS - Paula Strand	1
00:00 - 23:59	1
07/11/99 Total	1
07/24/99 Saturday	
HB -	1
00:00 - 23:59	1
07/24/99 Total	1
08/12/99 Thursday	
DH - Dorothy Hachmann	1
00:00 - 23:59	1
08/12/99 Total	1
08/23/99 Monday	
KO - Karen Oswald	1
00:00 - 23:59	1
08/23/99 Total	1
09/26/99 Sunday	
JK - Jill Mickelson	2
00:00 - 23:59	2
09/26/99 Total	2

All Users Codes: Y

Room Type: All

Arrival Date: All Stay Date: All Min Stay: 0 Max Stay: 999

=====

10/08/99 Friday

J2 - John Home 1

00:00 - 23:59 1

10/08/99 Total 1

10/09/99 Saturday

JL - Kautz, Janelle 1

00:00 - 23:59 1

10/09/99 Total 1

10/15/99 Friday

SW - Sharlene Wheatley 1

00:00 - 23:59 1

10/15/99 Total 1

10/29/99 Friday

DH - Dorothy Hachmann 1

00:00 - 23:59 1

10/29/99 Total 1

01/03/00 Monday

AL - Ann Lindstrom 1

00:00 - 23:59 1

01/03/00 Total 1

02/08/00 Tuesday

T2 - Tabitha Stron 1

00:00 - 23:59 1

02/08/00 Total 1

02/09/00 Wednesday

N5 - Nancy Stetarg 1

All Users Codes: Y

Room Type: All

Arrival Date: All Stay Date: All Min Stay: 0 Max Stay: 999

00:00 - 23:59	1
02/09/00 Total	1
02/24/00 Thursday	
LL - Love, Lyne	1
00:00 - 23:59	1
02/24/00 Total	1
03/03/00 Friday	
LL - Love, Lyne	1
00:00 - 23:59	1
03/03/00 Total	1
03/04/00 Saturday	
MM - Mary Jane Martinek	1
00:00 - 23:59	1
03/04/00 Total	1
03/13/00 Monday	
RJ - Richard Jacobsen	2
00:00 - 23:59	2
03/13/00 Total	2
04/02/00 Sunday	
A2 - Alison Holstra	1
00:00 - 23:59	1
04/02/00 Total	1
04/13/00 Thursday	
MM - Mary Jane Martinek	1
00:00 - 23:59	1
04/13/00 Total	1

Call Record Tracking Summary (01/01/71-12/31/70) 05/04/01 11:29:33 PAGE - 12

All Users Codes: Y

Room Type: All

Arrival Date: All Stay Date: All Min Stay: 0 Max Stay: 999

04/17/00 Monday

AL - Ann Lindstrom 1

00:00 - 23:59 1

04/17/00 Total 1

05/19/00 Friday

KO - Karen Conwalt 1

00:00 - 23:59 1

05/19/00 Total 1

06/22/00 Thursday

MM - Mary Jane Martinek 1

00:00 - 23:59 1

06/22/00 Total 1

07/29/00 Saturday

SW - Sharleen Wheatley 1

00:00 - 23:59 1

07/29/00 Total 1

08/25/00 Friday

MM - Mary Jane Martinek 1

00:00 - 23:59 1

08/25/00 Total 1

08/31/00 Thursday

AL - Ann Lindstrom 1

00:00 - 23:59 1

08/31/00 Total 1

10/02/00 Monday

AL - Ann Lindstrom 1

All Users Codes: Y

Room Type: All

Arrival Date: All Stay Date: All Min Stay: 0 Max Stay: 999

00:00 - 23:59	1
10/02/00 Total	1
10/05/00 Thursday	
MM - Mary Jane Martinek	1
00:00 - 23:59	1
10/05/00 Total	1
10/13/00 Friday	
SW - Sharleen Wheatley	1
00:00 - 23:59	1
10/13/00 Total	1
10/16/00 Monday	
JK - Jill Mickelson	1
00:00 - 23:59	1
10/16/00 Total	1
10/19/00 Thursday	
SW - Sharleen Wheatley	1
00:00 - 23:59	1
10/19/00 Total	1
10/20/00 Friday	
J2 - John Hove	1
00:00 - 23:59	1
10/20/00 Total	1
10/27/00 Friday	
JK - Jill Mickelson	1
00:00 - 23:59	1
10/27/00 Total	1

All Users Codes: Y

Room Type: All

Arrival Date: All Stay Date: All Min Stay: 0 Max Stay: 999

=====

10/31/00 Tuesday

DH - Dorothy Hachmann 1

00:00 - 23:59 1

10/31/00 Total 1

11/22/00 Wednesday

LS - Lisa Ban 1

00:00 - 23:59 1

11/22/00 Total 1

11/25/00 Saturday

JK - Jill Mickelson 1

00:00 - 23:59 1

11/25/00 Total 1

12/04/00 Monday

DH - Dorothy Hachmann 1

00:00 - 23:59 1

12/04/00 Total 1

12/29/00 Friday

KO - Karen Orvaltz 1

00:00 - 23:59 1

12/29/00 Total 1

01/04/01 Thursday

T2 - Tabitha Slon 1

00:00 - 23:59 1

01/04/01 Total 1

01/05/01 Friday

JO - Jacinta Fortman 1

Call Record Tracking Summary (01/01/71-12/31/70) 05/04/01 11:29:34 PAGE - 15

All Users Codes: Y

Room Type: All

Arrival Date: All Stay Date: All Min Stay: 0 Max Stay: 999

00:00 - 23:59	1
01/05/01 Total	1
01/06/01 Saturday	
LL - Love, Lyne	1
00:00 - 23:59	1
01/06/01 Total	1
01/07/01 Sunday	
AL - Ann Linstrom	1
00:00 - 23:59	1
01/07/01 Total	1
01/09/01 Tuesday	
LS - Lisa Bang	2
00:00 - 23:59	2
01/09/01 Total	2
01/11/01 Thursday	
T2 - Tabitha Simon	1
00:00 - 23:59	1
01/11/01 Total	1
01/12/01 Friday	
AY - Amy Tiedke	1
00:00 - 23:59	1
01/12/01 Total	1
01/13/01 Saturday	
MM - Mary Jane Martinek	1
00:00 - 23:59	1
01/13/01 Total	1

All Users Codes: Y

Room Type: All

Arrival Date: All Stay Date: All Min Stay: 0 Max Stay: 999

01/19/01 Friday

SB - Susan Bolland 1

00:00 - 23:59 1

01/19/01 Total 1

01/21/01 Sunday

AY - Amy Tiecke 1

00:00 - 23:59 1

01/21/01 Total 1

01/22/01 Monday

AY - Amy Tiecke 1

00:00 - 23:59 1

01/22/01 Total 1

01/26/01 Friday

AY - Amy Tiecke 1

00:00 - 23:59 1

01/26/01 Total 1

01/27/01 Saturday

AL - Ann Lindstrom 1

00:00 - 23:59 1

01/27/01 Total 1

02/13/01 Tuesday

LS - Lisa Bang 1

00:00 - 23:59 1

02/13/01 Total 1

02/15/01 Thursday

MM - Mary Jane Martinek 3

All Users Codes: Y

Room Type: All

Arrival Date: All Stay Date: All Min Stay: 0 Max Stay: 999

00:00 - 23:59 3

02/15/01 Total 3

03/05/01 Monday

AY - Amy Tiedke 1

00:00 - 23:59 1

03/05/01 Total 1

03/06/01 Tuesday

SW - Sharlee Wheatley 1

00:00 - 23:59 1

03/06/01 Total 1

03/07/01 Wednesday

JO - Jacinta Firsman 1

00:00 - 23:59 1

03/07/01 Total 1

03/08/01 Thursday

JO - Jacinta Firsman 1

00:00 - 23:59 1

03/08/01 Total 1

03/22/01 Thursday

AY - Amy Tiedke 1

DH - Dorothy Bachmann 1

J2 - John Hove 1

00:00 - 23:59 3

03/22/01 Total 3

Y - WRONG T.I.

Total 122

Call Record Tracking Summary (01/01/71-12/31/70) 05/04/01 11:29:34 PAGE - 18

All Users Codes: Y

Room Type: All

Arrival Date: All Stay Date: All Min Stay: 0 Max Stay: 999

Grand Total

123

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 08-03-01

Time: 3:30pm

Guest Name: Kerry McCollum

Address: _____

Phone Number: didn't get that far

How did they get our number? 411 information

What made you realize that they did not want this Treasure Island?

I didn't think she could drive here from CA by 4:15 pm

Reservation Agent: Amy Fischer

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

PLAINTIFF
EXHIBIT

M

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: 8-1-01

Time: 11:20

Guest Name: Melissa Hemen

Address: _____

Phone Number: _____

How did they get our number? Web Site

What made you realize that they did not want this Treasure Island?

Asked to be on the Strip

Reservation Agent: DJ

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: Feb 4-02

Time: 5:55 PM

Guest Name: David Ezra

Address: _____

Phone Number: _____

How did they get our number? Internet

What made you realize that they did not want this Treasure Island?

The address,

Reservation Agent: Sharon

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

After he gave me the address I
asked him if it was TI in
Vegas that he was wanting.
I gave him the correct Telephone Number.

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: 5/19

Time: 11:15pm

Guest Name: Ed Kowalis

Address _____

Phone Number: _____

How did they get our number? UNKNOWN

What made you realize that they did not want this Treasure Island?

CO

Reservation Agent: Amy

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: 7-13-01

Time: 10:15 a.m.

Guest Name: Donna Casey

Address: _____

Phone Number: _____

How did they get our number? Internet

What made you realize that they did not want this Treasure Island?

Couldn't Find reservation

Reservation Agent: Katli Evert

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: 6-24-01

Time: 12:30pm

Guest Name: Esther Parias

Address: _____

Phone Number: _____

How did they get our number? Internet

What made you realize that they did not want this Treasure Island?

After getting Address - I asked.

Reservation Agent: Marcia

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas. *Done

RESERVATIONS DESK-WRONG TREASURE ISLAND INFORMATION SHEET

Date: 8-11

Time: 1:00 p.m.

Guest Name: Eric Tomlin

Address. 1400

Phone Number _____

How did they get our number? internet

What made you realize that they did not want this Treasure Island?

From Texas

Reservation Agent: Katie (Event)

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: April 4-02

Time: 6:45 PM

Guest Name: David Helman

Address: _____

Phone Numbe. _____

How did they get our number? Internet

What made you realize that they did not want this Treasure Island?

The address.

Reservation Agent: Sharon Wheatley

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

She was going to make 2 Res. but
under different names. Gave her
the number for Vegas

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: 03-17-07

Time: 6:45pm

Guest Name: Anna Meyer

Address: _____

Phone Number: _____

How did they get our number? Internet - made 2 email reservations
Res # 462986 & 462987

What made you realize that they did not want this Treasure Island?

her account & address

Reservation Agent: Tabby made res's through e-mail
Am/pt canceled when she called to confirm

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: Feb 26-02

Time: 6:00 PM

Guest Name: Hollis Wynn

Address: _____

Phone Number: _____

How did they get our number? Internet

What made you realize that they did not want this Treasure Island?

When she asked if this was Treasure Island and
Reservation Agent: Shileen W. then gave me her address
of Utah.

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

Gave her the correct Number
for Vegas.

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 6/14/01

Time: 10:30 AM

Guest Name: Scott D. McGregor

Address: _____

Phone Number: _____

How did they get our number? Internet, I think

What made you realize that they did not want this Treasure Island?

I guess just the little things he ask & said.

Reservation Agent: Sharice - wheatly

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

When the Gentleman found out he had the wrong place, he said he thought something was different when he was talking to me, because when I was making his Reservation, I was so nice, and very friendly, and he said Las Vegas Reservations had attitudes & not friendly. He thanked me, and asked where we were located, I told him The Town ~~was~~ were close by. He did not know of our Casino or Red Wing, so I told him a little about the casino. He said I sold him on our T.I. so he said he would have to make a point of coming here to our Casino to stay.

(maybe we should send him one of our packets of the Hotel & Casino)

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: March 20-02

Time: 11:30 PM

Guest Name: Dave C. Deenn

Address: _____

Phone Number: _____

How did they get our number? ?

What made you realize that they did not want this Treasure Island?

His address

Reservation Agent: Sharon Whitty

**Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.**

I gave him the correct Telephone # for
Vegas..

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: 12/18/01

Time: 11:00 PM

Guest Name: Linda Muckley

Address: _____

Phone Number: _____

How did they get our number? internet

What made you realize that they did not want this Treasure Island?

When she asked for the view of Volcano erupting

Reservation Agent: Sharon W.

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

Gave her the right # of Vegas.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 04-01-02

Time: 3:27 PM

Guest Name: Ann Marie Massey

Address: _____

Phone Number: _____

How did they get our number? don't know

What made you realize that they did not want this Treasure Island?

Mentioned the stripe

Reservation Agent: Karen Regelman

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 12-13-01

Time: 2:40p

Guest Name: _____

Address: Tampa Florida

Phone Number: _____

How did they get our number? Internet

What made you realize that they did not want this Treasure Island?

talked about Travel Agency Bookings

Reservation Agent: Marcia

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

2 of them today
Both got the #
from internet!

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 2-28-02

Time: 6:05 P.M.

425 630

Guest Name: Kathy L. Hall # 425 631

Address: _____

Phone Number: _____

How did they get our number? _____

What made you realize that they did not want this Treasure Island?

She called from Las Vegas - thought she had Res. in

Reservation Agent: J2 made Res. 09-10-01 Las Vegas.

Karen Regelman cancelled both rooms.

Please make sure the guest is provided with the correct number for Treasure Island 02-28-02.
Casino in Las Vegas.

She said they had a hard time getting
reservations in Las Vegas.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: March 13/02

Time: 11:15 PM

Guest Name: Sheila Washington

Address: _____

Phone Number: _____

How did they get our number? Internet

What made you realize that they did not want this Treasure Island?

When she gave me her address.

Reservation Agent: Sharon Wheatley

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

I gave her the correct number for
Las Vegas.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 12/25/01

Time: 10:45 PM

Guest Name: Ube Zaban

Address: _____

Phone Number: 6-9-9-9-9-9-9-9

How did they get our number? Info

What made you realize that they did not want this Treasure Island?

He called & asked if we had his Res. for 12/25/01 -

Reservation Agent: Sharon

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

This gentleman was in Vegas & had not
find his Res. for 12/25/01. They called
here & we had his Res. for here. I
Cancelled it for him & gave him the cancellation
he asked for my name. He thanked me
and hoped he could get a room at TI in
Vegas.

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: 06-06

Time: 6:00P

Guest Name: Guff Brown

Address: _____

Phone Number: _____

How did they get our number? 1-800-Inte

What made you realize that they did not want this Treasure Island?

A2 address

Reservation Agent: Amy

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: 5/17

Time: 2:50p

Guest Name: Terry Sakai

Address _____

Phone Number: _____

How did they get our number? 1-800-555-1212

What made you realize that they did not want this Treasure Island?

San Jose

Reservation Agent: Amy

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: 12/17/61

Time: 1:21

Guest Name: _____

Address: _____

Phone Number: _____

How did they get our number? Information

What made you realize that they did not want this Treasure Island?

Asked for the Breakfast Club - said that I was
Refusing Nixon - said she wanted Las Vegas

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: 5-31-01

Time: 11:55 AM

Guest Name: Berry Hope Lund

Address: _____

Phone Number: _____

How did they get our number? Off the Internet

What made you realize that they did not want this Treasure Island?

Reservation # given is not Ours

Reservation Agent: Dorothy (Dorothy Hachman)

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

Done

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: 6/5

Time: 10:05

Guest Name: 9/94 Mr Jones

Address: _____

Phone Number: _____

How did they get our number? information

What made you realize that they did not want this Treasure Island?

Texas

Reservation Agent: [Signature]

John Hovey

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 3/23/02

Time: 8:45 PM

Guest Name: Phyllis Ainsworth - Okamura

Address: _____

Phone Number: _____

How did they get our number? Internet.

What made you realize that they did not want this Treasure Island?

When we were finished, she said, "this is T.I. in Vegas
Right?"

Reservation Agent: Shadeen W.

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

I gave her the Joe Vegas It.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 6-7-01

Time: 9:50 A

Guest Name: Lela Brown

Address: _____

Phone Number: _____ (business 388-6300)

How did they get our number? information - had our bus line - was told there
wasn't an 800 #

What made you realize that they did not want this Treasure Island?

asked for guest in hotel not registered here

Reservation Agent: D H (Dorothy Hochman)

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: ~~12/10/01~~ 3/22/02

Time: 12:40 AM

Guest Name: Kim Lay

Address: _____

Phone Number: none

How did they get our number? ?

What made you realize that they did not want this Treasure Island?

When she told me her address

Reservation Agent: Sharien Whetley

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

Gave her the Las Vegas #.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 5/29

Time: 10:25 pm

Guest Name: _____

Address: ~~Las Vegas~~ LA, cal.

Phone Number: _____

How did they get our number? information

What made you realize that they did not want this Treasure Island?

address

Reservation Agent: H

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 01-¹⁸~~25~~-01

Time: 4:45

Guest Name: Leslie Bartels

Address: _____

Phone Number: _____

How did they get our number? 411

What made you realize that they did not want this 'Treasure Island'?

She was from Ohio so I asked her to make sure
Reservation Agent: Amy she had the
right one.

☒ Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: ~~12/10/01~~ 3/22/02

Time: 12:40 AM

Guest Name: Kim Lay

Address: _____

Phone Number: none

How did they get our number? ?

What made you realize that they did not want this Treasure Island?

When she told me her address

Reservation Agent: Shaulen Whitley

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

Gave her the Las Vegas #.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 3/23/02

Time: 8:45 PM

Guest Name: Phyllis Rinsworth-Okamura

Address: _____

Phone Number: _____

How did they get our number? Internet

What made you realize that they did not want this Treasure Island?

When we were finished, she said, "this is t^he in Vegas
Right?"

Reservation Agent: Sharon W.

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

I gave her the Joe Vegas II.

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: 10/17/01

Time: 1:20

Guest Name: _____

Address: _____

Phone Number: _____

How did they get our number? Information

What made you realize that they did not want this Treasure Island?

Called for the Russian Club - said the T.I. in
Refilling Name - said she wanted Las Vegas

Reservation Agent: _____

**Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.**

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 8-7-81

Time: 9:50 A

Guest Name: Kela Brown

Address: _____

Phone Number: 4 _____

(business 388-6300)

How did they get our number? information - had our bus line - was told there
wasn't an 800 #

What made you realize that they did not want this Treasure Island?

asked for guest in hotel not registered here

Reservation Agent: D H (Dorothy Hochman)

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: 6/5

Time: 10:05

Guest Name: 9/94 M. Jones

Address: _____

Phone Number: _____

How did they get our number? information

What made you realize that they did not want this Treasure Island?

Texas

Reservation Agent: [Signature]

John Hovey

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 5-31-01

Time: 11:55 AM

Guest Name: Gerry Hope / und

Address: _____

Phone Number: _____

How did they get our number? Off the Internet

What made you realize that they did not want this Treasure Island?

Reservation # given is not Ours

Reservation Agent: Dorothy (Dorothy Hachman)

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

Done

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: 5/29

Time: 10:25 am

Guest Name: _____

Address: ~~Las Vegas~~ LA, cal.

Phone Number: _____

How did they get our number? information

What made you realize that they did not want this Treasure Island?

address

Reservation Agent: HT

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 5/25

Time: 1:45

Guest Name: Tim Schlund

Address: _____

Phone Number: _____

How did they get our number? Internet

What made you realize that they did not want this Treasure Island?

from Idaho

Reservation Agent: Katie Evert

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 9.30.05

Time: 05-24-01

Guest Name: _____

Address: _____

Phone Number: _____

How did they get our number? 411 information

What made you realize that they did not want this 'Treasure Island'?

Said our rates were really cheap
compared to last year then asked

Reservation Agent: _____

Amy Tiedke → Amy

What time we

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

make the big boat
explode

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 5-24-01

Time: 3:01 pm

Guest Name: Tracy McCoy

Address: _____

Phone Number: _____

How did they get our number? Calling information for 800 #

What made you realize that they did not want this Treasure Island?

Reservation Agent: (Melissa Dodge) (melissa Dodge)

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

When she came to the hotel front desk to check in and I couldn't find her reservation. She told me she called the 800# to make reservation. She said there was a special reservation. She said there was a special going on with Suites. We didn't have a special going on at this time. So I asked her the rate and it was different than ours. This happens quite a bit so that was my first instinct was that she made one in Vegas! That was true so I called there (Vegas) & canceled her reservation there.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 05-24-01

Time: 9:55pm

Guest Name: Lydie Aleandre

Address: _____

Phone Number: _____

How did they get our number? 411 info

What made you realize that they did not want this Treasure Island?

Zipcode ~~90250~~ 90250 (reminded me of TV
Beverly Hills
90210)

Reservation Agent: Amel Tiedke

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: 5/22/01

Time: 12:50

Guest Name: Ruth Sanchez

Address: _____

Phone Number: _____

How did they get our number? flyer over slot machine

What made you realize that they did not want this Treasure Island?

asked if I had # for Mirage

Reservation Agent: Ann Lindstrom

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 5/22/01

Time: 11:00 AM

Guest Name: _____

Address: N. DAKOTA

Phone Number: N/A

How did they get our number? INTERNET

What made you realize that they did not want this Treasure Island?

- CHECKING ON TIME - ^{Standard Central} STA - CNET - RNS
REASON: 3PM DANCE VEGAS

Reservation Agent: NJ

Nancy Steberg

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: 5/21

Time: 1:25 pm

Guest Name: _____

Address: _____

Phone Number: _____

How did they get our number? Internet

What made you realize that they did not want this Treasure Island?

talked about MGM Grand

Reservation Agent: Marcia Hei

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 05-21-01

Time: 6:30pm

Guest Name: _____

Address: _____

Phone Number: _____

How did they get our number? 411 information

What made you realize that they did not want this Treasure Island?

wanted to talk to the wedding chapel

Reservation Agent: Genny Tiedke

Then asked if "Elvis" was in today

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 5/19/01

Time: 8:30 AM.

Guest Name: Keith DeBerry

Address: _____

Phone Number: _____

How did they get our number? Internet

What made you realize that they did not want this Treasure Island?

He said that he had a reservation from

Reservation Agent: Karen O. (Oswalt) June 19 -
26th, 2001
The cost of the

Please make sure the guest is provided with the correct number for Treasure Island room,
Casino in Las Vegas.

**RESERVATIONS DESK-WRONG 'TREASURE ISLAND
INFORMATION SHEET**

Date: 5/17/01

Time: 6:30pm

Guest Name: _____

Address: _____

Phone Number: _____

How did they get our number? _____

What made you realize that they did not want this 'Treasure Island?

The rates & dates he was quoted & said he had a reservation for.

Reservation Agent: Tabby Simon

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

Guest did not give name.
He told me the rates he saw on the internet were \$59.00 - 109.00. This was a summer special we were running. I asked if he was looking at the Treasure Island from Red Wing, Minnesota on the internet or Las Vegas. He then said Las Vegas & I gave him the 800 number for Vegas.

Date: 5-14-01 # 400934 5-14-15-01
Time: 1:35 400935 5-30-31-01
Guest Name: Mary Torpy
Address: None
Phone Number: _____
How did they get our number? _____
What made you realize that they did not want this Treasure Island?
Treasure Island in Vegas called to see if she
had a room - She was in Vegas
Reservation Agent: Ann Lindstrom

Her reservations here (400934, 400935) were cancelled because she wanted Las Vegas

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: 05-13-01

Time: 10:00pm

Guest Name: John & Dorothy Silva Jr

Address: [illegible]

Phone Number: [illegible]

How did they get our number? N/A

What made you realize that they did not want this Treasure Island?

Front Desk worker from Las Vegas called to ask if they had a res here
lady VERY upset.

Reservation Agent: Amy Tiedke D.Y.

Res# 397183 - resv was cancelled here - she wanted Vegas
Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 5/13/01

Time: 12:15

Guest Name: STEVE (WOULDN'T GIVE LAST NAME)

Address: WOULDN'T GIVE - HE DID SAY HE LIVED IN CALIF.

Phone Number: N/A

How did they get our number? TELEPHONE OPERATOR

What made you realize that they did not want this Treasure Island?

PRICE IS SO LOW - HE QUESTIONED THAT WE HAD NO ROOMS - AND I SAID YES - HE SAID HE WANTED VISITS

Reservation Agent: NS (Nancy Steburg)

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas. Give him Las Vegas AI #

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: 5/4/01

Time: Daytime

Guest Name: John Joyce

Address: Unknown

Phone Number: _____

How did they get our number? Internet

What made you realize that they did not want this 'Treasure Island'?

He had a question on his bill - I couldn't find that he stayed here - I asked him if he stayed at TI MN - he said no - Las Vegas

Reservation Agent: Lori Knapp

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: 11-19-01

Time: 3:35p

Guest Name: Arthur Jennings

Address: _____

Phone Number: _____

How did they get our number? Information

What made you realize that they did not want this Treasure Island?

He asked why the prices were so cheap.

Reservation Agent: _____

Then I heard someone in
the background say
something about

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

a boat
blowing
up the
C

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: Aug 28-01

Time: 6:00 PM

Guest Name: Hung Nguyen

Address: _____

Phone Number: ~~555-555-5555~~

How did they get our number? Internet

What made you realize that they did not want this Treasure Island?

When they said lived in Calif.

Reservation Agent: Shaileen Wheatley

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

Give him the Vegas Number.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 9/7/01

Time: 5:30 pm

Guest Name: Kim Pittelko

Address

Phone Number: _____

How did they get our number? Opinion

What made you realize that they did not want this Treasure Island?

I asked her when she said she was from Washington
St.

Reservation Agent: Shirleen Wheeler

Please make sure the guest is provided with the correct number for Treasure Island
Casino in Las Vegas.

I gave her the correct no. for Vegas T.I.

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: June 25

Time: 3:45

Guest Name: _____

Address: _____

Phone Number: _____

How did they get our number? Information

What made you realize that they did not want this Treasure Island?

Mentioned Mirage Casino

Reservation Agent: Johnny

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 7/18

Time: 1:07 pm

Guest Name: Jeff Battershall

Address: Florida

Phone Number: _____

How did they get our number? Web site

What made you realize that they did not want this Treasure Island?

itinerary # - Not ours!

Reservation Agent: Marcia Hei

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

web site: said

"Treasure Island Hotel"

RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET

Date: 6/9/01

Time: 6:30 pm

Guest Name: Ed Jacobus

Address: _____

Phone Number: _____

How did they get our number? Eventually from I. Times Flyer

What made you realize that they did not want this Treasure Island?

they told me what happened

Reservation Agent: Marcia Hei

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

They called 1-800-555-1212
Operator asked : # to. they
said Treasure Island. they were
given # to T.I. in Las Vegas. After
getting room rates they figured it out.
They found our T.I. Island Times
Flyer, called, asked room rates, and
told me ~~there~~ story.

**RESERVATIONS DESK-WRONG TREASURE ISLAND
INFORMATION SHEET**

Date: 7/1/01

Time: 11:25

Guest Name: Kim Vartanian

Address: _____

Phone Number: _____

How did they get our number? Internet

What made you realize that they did not want this Treasure Island?

He called back to add a date

Reservation Agent: Sean Quinn

Please make sure the guest is provided with the correct number for Treasure Island Casino in Las Vegas.

From:

To: info@treasureislandcasino.com <info@treasureislandcasino.com>

Date: Sunday, January 10, 1999 8:10 PM

Subject: Rooms

We will be coming to Las Vegas February 11 - 14 th and would like room rates and information.
thank you

Rex & Naydean Reed

2/18/91

PLAINTIFF
EXHIBIT

N

From : James Beukema
To: info@treasureislandcasino.com <info@treasureislandcasino.com>
Date: Tuesday, February 09, 1999 12:56 AM
Subject: honeymoon in vegas

MY FIANCE AND I ARE INTERESTED IN FINDING A GREAT HONEYMOON SUITE OR PACKAGE. AROUND APRIL 4, CAN YOU HELP US.?

PEGGY S.

From:

To: 'info@treasureislandcasino.com' <info@treasureislandcasino.com>

Date: Thursday, February 18, 1999 11:21 AM

Subject: Staying in May

Please send me information on Treasure Island and any discount coupons that you may offer.

I am taking my mother to Las Vegas for her 65th birthday and I will be celebrating my 40th WOW. We have reservation to stay at your hotel and we are looking forward to it. Can't Wait!!

We will be checking in May 7th and checking out May 9th. Please let us know about entertainment.

Mo reen Howard

7

gov

Thank-You

We are looking forward to our stay.

:-) Morreen Castro-Howard

Fiscal Accounting

Ext. 3260

2/18/99

Flemke, Cindy

From: Johannes, Day
Sent: Monday, January 28, 2002 8:02 AM
To: Flemke, Cindy
Subject: FW: The Pirate Battle

Cindy,
I believe you wanted anything pertaining to us being mistaken for the Vegas one? If not, just delete.

Day Johannes
Recruitment Manager
Treasure Island Resort and Casino

-----Or

From: 'Johannes, Day'
Sent: Monday, January 28, 2002 1:31 AM
To: day.johannes@ticasino.com
Subject: The Pirate Battle

I am looking for info regarding auditions for the Pirate Battle show.
Any help would be greatly appreciated.

Incoming mail is certified Virus Free.
Checked by AVG anti-virus system (<http://www.grisoft.com>).
Version: 6.0.282 / Virus Database: 150 - Release Date: 9/25/01

Outgoing mail is certified Virus Free.
Checked by AVG anti-virus system (<http://www.grisoft.com>).
Version: 6.0.282 / Virus Database: 150 - Release Date: 9/25/01

Subject: FW: Hello....

Date: Tue, 2 Jul 2002 16:33:47 -0500

From: "Flemke, Cindy" <Cindy.Flemke@ticasino.com>

To: "jfh@jacobsonbuffalo.com" <jfh@jacobsonbuffalo.com>

-----Original Message-----

From: Johannes, Day

Sent: Monday, March 04, 2002 8:10 AM

To: Flemke, Cindy

Subject: FW: Hello....

Another one.....

Day Johannes

Recruitment Manager

Treasure Island Resort and Casino

-----Original Message-----

From: SWEETY2158@aol.com [mailto:SWEETY2158@aol.com]

Sent: Sunday, March 03, 2002 5:12 PM

To: Johannes, Day

Subject: Hello....

Hi, my name is Lacy Zappia. I have been going to the Treasure Island for about eight years. My mom and aunt always gambled there, and we always stayed there on weekends. Now that Im older, 16...will be 17 in May, Im interested in working at the Treasure Island or The Mirage. I would like to be a pool attendant at either Treasure Island or the Mirage. Tell me what I need to do to become one. Can my Mom's slot hostess do anything to help, her name is Joy Perone?

Incoming mail is certified Virus Free.

Checked by AVG anti-virus system (<http://www.grisoft.com>).

Version: 6.0.282 / Virus Database: 150 - Release Date: 9/25/01

Outgoing mail is certified Virus Free.

Checked by AVG anti-virus system (<http://www.grisoft.com>).

Version: 6.0.282 / Virus Database: 150 - Release Date: 9/25/01

10/14/04-000495

07/02/2002 5:07 PM

Knapp, Lori

From: Knapp, Lori
Sent: Monday, January 19, 2004 12:52 PM
To:
Subject: RE: reservation

You must have booked your room at a different Treasure Island (we are in Red Wing, MN). Our confirmation numbers do not have letters in the them.

Sincerely,
Hotel Reservations
Treasure Island Resort & Casino
Red Wing, MN

-----Original Message-----

From: Hoesli, Holly
Sent: Monday, January 19, 2004 8:23 AM
To: Knapp, Lori
Subject: FW: reservation

-----Or

From:
Sent: Thursday, January 15, 2004 4:12 PM
To: Info
Subject: reservation

I made a reservation for client, Margaret Adams for 02/15/04 to 02/19/04.
The reservation number is 19T5K6. Can you please e-mail a written confirmation.

Thank You,
Cheryl at Travel Majic

10/14/04-000479

1/20/2004

-----Oric

From:

Sent: Thursday, February 26, 2004 12:24 PM

To: Knapp, Lori

Subject: Re: January 24 - 27, 2004 Stay

OOOOOppppppps Sorry wrong TI. Thanks for your understanding.

----- Original Message -----

Sent: Thursday, February 26, 2004 7:12 AM

Subject: RE: January 24 - 27, 2004 Stay

I do not show a record of your stay here at Treasure Island resort and Casino in Red Wing Minnesota. Did you stay here or in Las Vegas? We are not affiliated with the Las Vegas property. If you did stay here please email me and I will investigate further.

Sincerely,

Lori

Hotel Manager

-----Original Message-----

From: Smith, Michelle

Sent: Thursday, February 26, 2004 8:02 AM

To: Knapp, Lori

Subject: FW: January 24 - 27, 2004 Stay

-----Original Message-----

From: Karen Houston [mailto:karen.houston@ti.com]

Sent: Wednesday, February 25, 2004 8:58 PM

To: Info

Cc: Carmen B. Schwarz; Ray_Schwarz

Subject: January 24 - 27, 2004 Stay

RE: My stay at TI between January 24 - 27, 2004

Dear TI Staff,

2/26/2004

10/14/04-000476

At check-out the gentleman who assisted me gave me the impression the remainder of my hotel bill would not to be charged to my Discover card. So far the charges have not been reversed. I understood that because my daughter I had accumulated a large amount of points on our Player's Club cards that the bill was complimentary.

Thank you in advance for looking into this matter.

Carmen B. Schwarz
40699 Ambar Place
Fremont, CA 94538

Knapp, Lori

From: [redacted]
Sent: Tuesday, March 16, 2004 1:55 PM
To: Knapp, Lori
Subject: RE: Email Copy of Bill

Thanks Lori. It is indeed my mistake. I was trying to reach the TI in Vegas.
 Does you sister work with our group out of Minneapolis?

-----Original Message-----

From: Knapp, Lori [mailto:Lori.Knapp@ticasino.com]
Sent: Tuesday, March 16, 2004 2:57 PM
To: Watson, Jeff
Subject: RE: Email Copy of Bill

Dear Jeff,

You have reached Treasure Island Casino in Red Wing, Minnesota. As we do not have express checkout via television I suspect you are trying to reach Treasure Island in Las Vegas.

PS. My sister works for McKesson and I would be happy to have you and or members of your company stay with us. I hear it is a great company to work for.

Sincerely,
 Lori Knapp

-----Original Message-----

From: Smith, Michelle
Sent: Tuesday, March 16, 2004 9:47 AM
To: Knapp, Lori
Subject: FW: Email Copy of Bill

-----Orig

From: [redacted]
Sent: Tuesday, March 16, 2004 9:33 AM
To: Info
Subject: Email Copy of Bill

Upon check out last Friday I requested a copy of my bill be sent to my email address via the check out on the TV. However I never received a copy. Can you please either email me a copy of the bill or fax a copy to me today. I need to have this to submit my expense report for last week and I can not wait on regular mail.

Thank you for your rapid attention to this.

Jeff Watson, MBA, MT(ASCP)
 Director, Product Marketing

Subject: FW: Info request

From: "Knapp, Lori" <Lori.Knapp@ticasino.com>

Date: Wed, 14 Apr 2004 11:23:00 -0500

To: "'jfh@jacobsonbuffalo.com'" <jfh@jacobsonbuffalo.com>

Joe,

FYI,

Lori

-----Original Message-----

From:

Sent: Wednesday, April 14, 2004 9:59 AM

To: Knapp, Lori

Subject: RE: Info request

OPPS, Sorry! Do you have the email address for the Las Vegas location?
Cheri

-----Original Message-----

From: Knapp, Lori [mailto:Lori.Knapp@ticasino.com]

Sent: Wednesday, April 14, 2004 9:56 AM

To: Cheri Blazer

Subject: RE: Info request

You have reached Treasure Island in Red Wing, Minnesota.

-----Original Message-----

From:

Sent: Wednesday, April 14, 2004 9:19 AM

To: Knapp, Lori

Subject: RE: Info request

Lori,

We were there in Las Vegas the middle of March. We were on the Penthouse floor. Would that make a difference?

Cheri

-----Original Message-----

From: Knapp, Lori [mailto:Lori.Knapp@ticasino.com]

Sent: Wednesday, April 14, 2004 6:54 AM

To: Cheri Blazer

Cc: Dahl, Amy; Smith, Michelle

Subject: RE: Info request

Dear Cheri,
We do not have oatmeal/almond soap in our rooms. Did your mom stay at Treasure Island in Red Wing, Minnesota?

Sincerely,

Lori Knapp
Hotel Manager

-----Original Message-----

From: Dahl, Amy
Sent: Tuesday, April 13, 2004 3:01 PM
To: Knapp, Lori
Subject: FW: Info request

Can you reply to this guest Lori?

-----Original Message-----

From: Smith, Michelle
Sent: Tuesday, April 13, 2004 10:39 AM
To: Dahl, Amy
Subject: FW: Info request

Amy,

Are you able to help this person find an answer to her question?

Thanks for your help,

Michelle

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, April 13, 2004 10:13 AM
To: Info
Subject: Info request

Is it possible to find out from housekeeping the supplier of the oatmeal/almond soap used at your resort?

The wrapper doesn't supply this info and my Mom really liked it when we stayed there.

Thanks,

Cheri Blazer

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE BEFORE THE TRADEMARK
TRIAL AND APPEAL BOARD**

Prairie Island Indian Community,
a federally recognized Indian Tribe,

Petitioner

vs

Treasure Island Corporation,

Registrant.

Reg. Nos. 1,949,380; 1955,279
2,010,396; 2,176,004; 1,984,421
2,040,221; 2,019,481; 1,918,033
1,941,475; 1,966,090; 1,903,619
1,943,123; 1,949,379; 1,985,968
2,040,756; 2,040,770; 1,981,369

Can. Nos. 28,126; 28,127; 28,130
28,199; 28,248; 28,280; 28,294;
28,314; 28,379; 28,319; 28,325;
28,342; 28,171; 28,174

**PETITIONER'S AMENDED SUPPLEMENTAL ANSWER
TO INTERROGATORY 12**

TO: TREASURE ISLAND CORPORATION AND ITS ATTORNEYS, QUIRK &
TRATOS, 3773 HOWARD HUGHES PARKWAY, SUITE 500 NORTH, LAS
VEGAS, NEVADA 89109.

Pursuant to Rule 412.03 of the TBMP and Rule 26(e) of the Federal Rules of Procedure, Petitioner, Prairie Island Indian Community, submits the following Amended Supplemental Answer to the Interrogatory No. 12 of the Registrant's First Set of Interrogatories in the above-encaptioned matter, as well as all other interrogatories seeking information regarding instances of actual confusion as between the Registrant and the Petitioner's Property Treasure Island.

AMENDED SUPPLEMENTAL ANSWER

Interrogatory No. 12: Identify all instances of actual confusion between the mark **TREASURE ISLAND** as used by the petitioner and the mark **TREASURE ISLAND** as used by the Registrant to the extent that any such instance of actual confusion has not been described in your responses to interrogatory Numbers 9, 10 and 11.

PLAINTIFF
EXHIBIT

O

Answer: In addition to the information and documents disclosed in the Petitioner's March 4, 1999 Supplemental Answers to Registrant's First Set of Interrogatories and Supplemental Responses to Registrant's First Request for Production of Documents, the following details additional instances of actual confusion between the Registrant's and the Petitioner's uses of the mark TREASURE ISLAND:

Casino City Web Site. The internet web site entitled www.casinocity.com provides information regarding casinos in the United States and has provided information regarding both the Registrant's and the Petitioner's Casino facilities. In 1998 and 1999 this web site posted information regarding the goods and services offered at the Petitioner's Casino but posted on that web page a photograph of the Registrant's facility. A copy of pages printed from the casino city web site have previously been produced by the Petitioner at the Deposition of Mr. Mark Russell. It is believed that, pursuant to the requests of both the Registrant and the Petitioner over the course of two years, the confusion between the two properties has been corrected and that the casino city web site now accurately describes and depicts the Registrant's and the Petitioner's facilities.

Ms. Deloris "Lori" Knapp, Front Office Manager at Treasure Island (Minnesota) has first hand knowledge of the confusion relating to the casino city web site and her efforts to address the matter with employees of Treasure Island (Las Vegas) including contact on two occasions with Mr. Morton Skumrud.

E-mail communications. Treasure Island (Minnesota) operates a web site at www.treasureislandcasino.com. Internet visitors of that site who are interested in more information about the Petitioner's facilities, reserving hotel rooms or otherwise contacting the facility can direct e-mail communication to info@treasureislandcasino.com. Numerous communications have been thus directed to Treasure Island (Minnesota) by persons who thought they were communicating with Treasure Island (Las Vegas). Employees at Treasure Island (Minnesota) have not preserved all of these communications. However, copies of a number of these communications are attached to the Petitioner's Supplemental Response to Request No. 10 of the Registrant's First Set of Requests for Production of Documents, which has been served contemporaneously herewith. The dates and times of the communications are noted on the produced documents. Since these communications are received on a regular basis, the Petitioner will supplement its production as necessary.

Mr. Jason Holt, Advertising & Direct Mail Coordinator for Treasure Island (Minnesota) has first hand knowledge regarding the confusion relating to the e-mail communication with Treasure Island (Minnesota), and his efforts to correct that confusion with the author of the communication.

The foregoing information and the documents produced contemporaneously herewith are in addition to and further supplement the Petitioner's March 4, 1999 Supplemental Answers to Respondent's First Set of Interrogatories and Supplemental Responses to Respondent's First Request for Production of Documents, which described and documented misdirected e-mail communications with the Petitioner's facility.

Telephone Communications: Treasure Island (Minnesota) has a toll-free telephone number (888) 867-STAY (7829) that customers can use to make hotel reservations. Numerous telephone calls have been and continue to be received on that number in which the caller mistakenly believes he or she has contacted Treasure Island (Las Vegas). The current reservation management system, Springer Miller, was installed at Treasure Island (Minnesota) in December of 1996. That system has a function by which reservation employees can track lost business for a variety of reasons. The instances of misplaced calls to hotel reservation employees were so frequent that the room reservation employees assigned a separate lost business tracking identifier entitled "Wrong T.I.", which identifies calls placed to Treasure Island (Minnesota) by callers who intended to reach Treasure Island (Las Vegas). Room reservation employees began using that identifier in approximately March of 1997. A log of calls entered to the reservation system as "Wrong T.I." from March 2000 to the present is attached to the Petitioner's Supplemental Response to Request No. 10 of the Registrant's First Set of Requests for Production of Documents, which has been served contemporaneously herewith. The dates and times of the calls, and the names of the employees logging the calls are provided in the produced documents. There were numerous calls logged as "Wrong T.I." from March 1997 to March 2000, but reservation employees have been unable to retrieve that information from the Springer Miller System.

Treasure Island (Minnesota) also has a toll-free telephone number ((800) 222-7077) for general inquiries to the facility. That number directs callers to a facility telephone receptionist. Facility telephone receptionists do not have a system to the Springer Miller system and have not kept manual logs of misdirected telephone calls to that number.

Ms. Deloris "Lori" Knapp, Front Office Manager at Treasure Island (Minnesota), has first hand knowledge of the confusion relating to telephone communication with Treasure Island (Minnesota), including calls placed to the toll free reservation number for Treasure Island (Minnesota).

The foregoing information and the documents produced contemporaneously herewith are in addition to and further supplement the Petitioner's March 4, 1999 Supplemental Answers to Respondent's First Set of Interrogatories and Supplemental Responses to Respondent's First Request for Production of Documents, which described and documented misdirected telephone calls to the Petitioner's Tour Marketing Department.

Trade Show/Convention Attendees: The Petitioner actively promotes its facility at Trade Shows and Conventions. On numerous occasions, employees attending such shows and/or conventions encounter attendees who mistakenly believe either that the Petitioner is promoting the Registrant's facility or that the facilities are somehow connected or related. Copies of two travel reports submitted following a September 2000 Conference in Baltimore, Maryland, which document confusion among conference attendees, are attached to the Petitioner's Supplemental Response to Request No. 10 of the Registrant's

First Set of Requests for Production of Documents, which has been served contemporaneously herewith. Ms. Tracey Kirschner, Ms. Laura Breitbarth and Ms. Joni Marks have first hand knowledge of the confusion occurring at Trade Shows and Conventions.

Reservations/Bookings: Every weekend, Treasure Island (Minnesota) has hotel customers attempt to check in at Treasure Island (Minnesota) with a confirmation number for Treasure Island (Las Vegas). Ms. Deloris "Lori" Knapp has first hand knowledge of customers attempting to check in at Treasure Island (Minnesota) with a reservation number for Treasure Island (Las Vegas) and the efforts of Treasure Island (Minnesota) to accommodate those customer. She also has personally spoken to a front desk employee and Mr. Morton Skumsrud at Treasure Island (Las Vegas), both of whom indicated that similar situations have occurred at that facility.

Also, attached to the Petitioner's Supplemental Response to Request No. 10 of the Registrant's First Set of Requests for Production of Documents, is a copy of a October 11, 2000 Booking Recap documenting the cancellation of 40 blocked hotel rooms and two days rental of a meeting room at Treasure Island (Minnesota) because the booking party, "Al's Garden Art", believed it had booked the event with Treasure Island (Las Vegas).

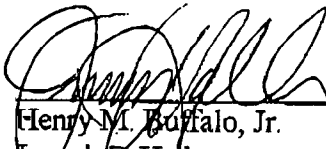
Directory Assistance: 800 Directory assistance provides callers needing toll-free telephone numbers. Customers have contacted the facility in the past, believing they were speaking to employees of Treasure Island (Las Vegas) because 800 Directory Assistance gave them the 800 number for Treasure Island (Minnesota). Also, when a party calls 800 Directory Assistance and asks for the 800 number for Treasure Island or for Treasure Island Casino, they receive a recording that states -- "The number for Treasure Island at the Mirage is (800) 944-7444."

UPS: UPS recently suspended the billing account for Treasure Island (Minnesota) and indicated that it would require COD on all deliveries from Treasure Island (Minnesota) because of an alleged delinquent account history. Cindy Flemke, Executive Assistant to the General Manager of Treasure Island (Minnesota), contacted UPS and pointed out that Treasure Island (Minnesota) was current on all billings with UPS, at which time it became apparent that UPS had mistaken Treasure Island (Minnesota) with Treasure Island (Las Vegas) and that it was Treasure Island (Las Vegas) that apparently had a delinquent account payment history with UPS. Ms. Cindy Flemke has first hand knowledge of the facts surrounding this instance of actual confusion.

Promotions: The Petitioner also has experienced numerous instances in which a customer has attempted to utilize a Treasure Island (Las Vegas) promotion at Treasure Island (Minnesota) or has asked that Treasure Island (Minnesota) match a promotion package offered by a casino resort in Las Vegas. Ms. Tracey Kirschner has first hand knowledge of attempts by customers to use Treasure Island (Las Vegas) promotions in Minnesota. Also, attached to the Petitioner's Supplemental Response to Request No. 10 of the Registrant's

First Set of Requests for Production of Documents, is a copy of a letter from a Canadian customer of Treasure Island (Las Vegas) directed to Treasure Island (Minnesota) in which the customer asks Treasure Island (Minnesota) to match an offer by Bally's (Las Vegas).

Date: May 10, 2001



Henry M. Buffalo, Jr.
Joseph F. Halloran
JACOBSON, BUFFALO, SCHOESSLER
& MAGNUSON LTD
246 Iris Park Place
1885 University Avenue West
Saint Paul, Minnesota 55104

Orrin M. Haugen
Eric O. Haugen
HAUGEN LAW FIRM
121 South Eighth Street
1130 TCF Tower
Minneapolis, Minnesota 55402

Date: _____, 2001

Hon. Audrey Kohnen
President, Prairie Island Indian Community

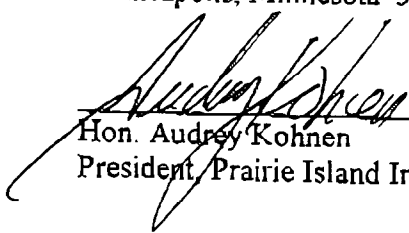
First Set of Requests for Production of Documents, is a copy of a letter from a Canadian customer of Treasure Island (Las Vegas) directed to Treasure Island (Minnesota) in which the customer asks Treasure Island (Minnesota) to match an offer by Bally's (Las Vegas).

Date: _____, 2001

Henry M. Buffalo, Jr.
Joseph F. Halloran
JACOBSON, BUFFALO, SCHOESSLER
& MAGNUSON LTD
246 Iris Park Place
1885 University Avenue West
Saint Paul, Minnesota 55104

Orrin M. Haugen
Eric O. Haugen
HAUGEN LAW FIRM
121 South Eighth Street
1130 TCF Tower
Minneapolis, Minnesota 55402

Date: _____, 2001



Hon. Audrey Kohnen
President, Prairie Island Indian Community

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE BEFORE THE TRADEMARK
TRIAL AND APPEAL BOARD**

Prairie Island Indian Community,
federally recognized Indian Tribe,

Petitioner

vs.

Treasure Island Corporation,

Registrant.

Reg. Nos. 1,949,380; 1955,279
2,010,396; 2,176,004; 1,984,421
2,040,221; 2,019,481; 1,918,033
1,941,475; 1,966,090; 1,903,619
1,943,123; 1,949,379; 1,985,968
2,040,756; 2,040,770; 1,981,369

Can.Nos. 28,126; 28,127; 28,130
28,199; 28,248; 28,280; 28,294;
28,314; 28,379; 28,319; 28,325;
28,342; 28,171; 28,174

PETITIONER'S SUPPLEMENTAL ANSWERS TO INTERROGATORIES 9-12

TO: TREASURE ISLAND CORPORATION AND ITS ATTORNEYS, QUIRK &
TRATOS, 3773 HOWARD HUGHES PARKWAY, SUITE 500 NORTH, LAS
VEGAS, NEVADA 89109.

PLEASE TAKE NOTICE THAT pursuant to Rule 412.03 of the TBMP and Rule 26(e) of the Federal Rules of Procedure, Petitioner, Prairie Island Indian Community, submits the following supplemental answers to the Interrogatories 9-12 of the Registrant's First Set of Interrogatories in the above-encaptioned matter as well as all other interrogatories seeking information regarding instances of actual confusion as between the Registrant and the Petitioner's Property Treasure Island.

SUPPLEMENTAL ANSWER

On or about March 24, 1998, Lori Knapp, Front Office Manager at Treasure Island (Minnesota) traveled to Las Vegas and stayed at Treasure Island (Las Vegas). Prior to her departure, Ms. Knapp was provided with a copy of documents printed off of a web site designated www.casinocity.com. This web site contained a page depicting information for

PLAINTIFF
EXHIBIT

P

Treasure Island Casino and contained Treasure Island Las Vegas' address and Treasure Island Minnesota's 800 telephone number (800-222-7077). Ms Knapp brought a copy of the documents to Treasure Island Las Vegas and while in Las Vegas she met with Mr. Morton Skumrud, Reservation's Supervisor at Treasure Island Las Vegas. The web site error was discussed, and Mr. Skumrud assured Ms. Knapp that Treasure Island Las Vegas would see that the error was corrected.

On April 8, 1999 Ms. Knapp was again in Las Vegas, this time for the Hospitality Design Conference. She again stayed at Treasure Island Las Vegas. When she checked in, she mentioned to the front desk clerk that she was the front office manager at Treasure Island Minnesota. The front desk clerk jokingly stated "oh, we hate you!". The front desk clerk then called her supervisor, and the supervisor informed Ms. Knapp that she, the supervisor, had almost lost her job over a mix-up on reservations between a guest who booked at Treasure Island Minnesota but came to Treasure Island Las Vegas expecting a room.

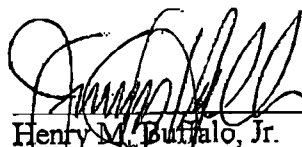
When Ms. Knapp was checking out of Treasure Island Las Vegas on April 11, 1999, she saw Mr. Skumrud in the lobby and introduced him to her Director, Bruce Croft, who had accompanied Ms. Knapp to the conference. At this time, those individuals again discussed the confusion occurring as between the two properties.

Ms. Knapp is aware of numerous other incidents where a guest arrives at Treasure Island Minnesota in possession of a reservation number for Treasure Island Las Vegas. Treasure Island Las Vegas is then phoned in most cases it turns out that the mix-up was a result of actual confusion as between the Registrant and Petitioner, namely that there is a belief that the two properties are affiliated with one another.

Additionally, on the Petitioner's call-tracking system there have been over 300 instances in which a guest has called Treasure Island Minnesota believing that they were calling Treasure Island Las Vegas. A log concerning these calls was started in August of 1997. There also have been numerous e-mail communications with the Petitioner via its e-mail address provided on its Treasure Island web site which demonstrate that the person contacting the Petitioner is confused between the Petitioner and the Registrant's facilities.

The above information further demonstrates the Petitioner's assertion that actual confusion has existed and will continue to exist, as between the parties, as embodied in large part by reverse confusion and that this confusion is rampant.

Date: 4/24, 2001



Henry M. Buffalo, Jr.

Joseph E. Halloran

JACOBSON, BUFFALO, SCHOESSLER
& MAGNUSON LTD

246 Iris Park Place

1885 University Avenue West

Saint Paul, Minnesota 55104

Orrin M. Haugen

Eric O. Haugen

HAUGEN LAW FIRM

121 South Eighth Street

1130 TCF Tower

Minneapolis, Minnesota 55402

Download Software - SkyHigh Casino

Stop

View

Downloading
@ 112 kb/sec

Treasure Island Resort & Casino



- Map
- Nearby Casinos
- Favorite Links
- General Info
- Address
- Mail
- Telephone
- Games
- Restaurants
- Features
- Hotels

Map

Click here to see the location of this casino on a map. You can zoom in all the way to a street level view.

Nearby Casinos

Click here to see a list of nearest casinos.

Favorite Links

Click here to see other Web sites we recommend.

General Info

WWW Link: <http://www.treasureislandcasino.com>

Structure Type: Building on dry land

Ownership: Native American

Gaming Positions: 2000

Relative Size: Large

Hours: 24 Hours

Credit Cards Accepted: American Express, Discover Card, Master Card, Visa

Operator: Prairie Island Indian Community

Slot Club: Island Passport Club Card

Address

5743 Sturgeon Lake Road

PLAINTIFF
EXHIBIT

Q

Red Wing Minnesota 55066
United States

Mail

P.O. Box 75
Red Wing MN 55066
United States

Telephone

General Information 612-385-2717
FAX 612-385-2785
Toll Free in US 800-222-7077
Show Reservations 800-2227077 x2787
Employment calls 800-2227077 x2217
Hotel Reservations 888-867-7829

Games

Bingo
Blackjack 336
Craps
Keno
Progressive Slots
Progressive Video Poker
Pull Tabs
Roulette
Slots 1500
Table games
Video Craps
Video Keno
Video Poker

Restaurants

Tradewinds (*Buffet Style*)
Lunch
Dinner
Javas (*Full Service Dining*)
Dinner
Mongo Bay (*Snack Bar*)
Blue Lagoon Bingo Snack Bar (*Snack Bar*)
Emerald Bay Club Lounge (*Alcoholic Drinks*)
Entertainment also offered here.

Features

Arcade
Ballroom
Banquet Hall
Currency Exchange
Dance Floor
Daycare
Free Parking
Gift Shop
Golf
Health Club
Live Entertainment
Marina
Meeting Facility
Non-Smoking Sections
RV Parking
RV Park available
Swimming Pool
Transportation Available
Valet Parking

Hotels

Americ Inn Motel (*Local Hotel*)

Telephone Numbers

Toll Free in US 800-634-3444

Best Western Quiet House Suites (*Local Hotel*)

Telephone Numbers

Toll Free in US 800-528-1234

Candle Light Inn (B + B) (*Local Hotel*)

Telephone Numbers

Local calls 612-388-8034

Days Inn (*Local Hotel*)

Telephone Numbers

Toll Free in US 800-325-2525

Golden Lantern (B + B) (*Local Hotel*)

Telephone Numbers

Local calls 612-388-3315

Hungry Point Inn (*Local Hotel*)

Telephone Numbers

Local calls 612-388-7857

Parkway Motel (*Local Hotel*)

Telephone Numbers

Local calls 612-388-8231

Pratt-Tabor Inn (B +B) (*Local Hotel*)

Telephone Numbers

Local calls 612-388-5945

Red Carpet Inn (*Local Hotel*)

Telephone Numbers

Toll Free in US 800-251-1962

Saint James Hotel (*Local Hotel*)

Telephone Numbers

Toll Free in US 800-252-1875

Super 8 Motel (*Local Hotel*)

Telephone Numbers

Toll Free in US 800-800-8000

Treasure Island Resort & Casino (*Casino located within the Hotel*)

Hotel Features

Whirlpool

Wheel Chair Accessible

TVs

Non-Smoking Rooms

In-Room Phone

Fitness Center

Cribs Available

Computer Modem Jack

Complimentary Newspaper

Coffee maker

Cable Television

Air Conditioning

AAA approved



Automotive Market Research Council

April 24 - 28, 2004

Thank you for requesting reservations at Treasure Island. On behalf of our entire staff, we look forward to the opportunity to serve as your host at Treasure Island. Please complete this reservation form and FAX it to the Treasure Island Room Reservations Department at 702-894-7482:

NAME Ron Lacy ARRIVAL DATE 4/25 DEPARTURE DATE 4/28

COMPANY Donaldson Company, Inc.

ADDRESS P.O. Box 1299 TEL. NO. (952) 887-3218

CITY/STATE Minneapolis ZIP CODE 55440

SIGNATURE [Signature] SHARING ROOM WITH _____

SINGL. PER ROOM + TAX
 Saturday
 \$129.00
 - Wednesday
 \$9.00
 as above
 as above

DOUBLE ()
 TWIN (two)
 PETITE SUITE
 EXECUTIVE SUITE
 TOWER SUITE

This guy sent me a check for his reservation in Las Vegas

Checkout time is 12 noon. Rooms may not be available for check-in until 3:00 p.m.

Reservations must be received by: 3/25/04
 Reservations received after this date will be confirmed on a space and rate available basis only. If rate and accommodation requested is not available, nearest will be assigned.
 All rates are subject to Clark County room tax, currently 9% (subject to change)

Rates are per room, per
 and fourth person occupy.

Hotel Address: ATTN:

Reservations 3300 Las Vegas Blvd. South, Las Vegas, NV 89109/ Phone #1-888-503-8999
 Please forward a deposit to the address noted above to cover your first night's room and tax. This will confirm and guarantee your reservation. Please note that reservations and deposits are not transferable.
 (Deposit refundable only if reservation is canceled more than 48 hours prior to arrival.)

American Express, Carte Blanche, Visa, MasterCard, Discover, or Diners Club credit cards may be charged in lieu of a deposit. Please note that your credit card will be charged immediately for the first night's room and tax charges upon receipt of this form at Treasure Island.

Card Holder Name _____ Type of Card _____

Credit Card Number _____ Expiration Date _____

Should multiple reservations be required, please complete one form for each member of the party and fax with a cover memo indicating the total number of reservations. Individual confirmation slips will be mailed to each guest if the appropriate address information is provided.

PLAINTIFF
 EXHIBIT

R

4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 10

Board Meeting

Post As : Al's Garden Art

Commission % : 0.00%
 Rebate : \$0.00
 Booked By : Joni Marcks
 Created By : Joni Marcks
 Cut Off Date : 10/1/00
 Deposit Due : 7/20/00

Organization : Air Garden Art
Phone : 909-424-0221 ext. 155
Fax : 661-619-6475

Market Segment : Corp (Corporate)
Phone : 809-424-0221 ext. 155
Fax : 561-619-8475

CC Guarantee Attached
Incidentals : Individual
Catering F & B : Master

Fax 561-619-6475
561-385-2809

Rooms and Rates

[illegible]

EVENT TIME & LOCATION		ROOM DETAILS		ATTENDANCE			
Time	Room Name	Type	Setup	ATT	SET	GTD	Room Rental
Sunday, October 15, 2000							
8:00 AM - 1:00 PM	Capri	Meeting	Classroom	40	0	0	\$500.00
Monday, October 16, 2000							
8:00 AM - 1:00 PM	Capri	Meeting	Classroom	40	0	0	\$500.00

CLIENT THOUGHT HE HAD BOOKED AT TREASURE ISLAND IN LAS VEGAS, NV!!

1,000.00
\$6,480.00

1

Ami 8/4

MURRAY HOFFMAN INSURANCE & REAL ESTATE LTD

May 15, 2000

Treasure Island Marketing ATTN Terra:

You were so kind to reserve Casino Rates for My Wife Andrea Hoffman and myself

July 7-11/2000

Now we have been staying at TI for the last 7 years with the odd stay at Balleys.

If just was odd timing that after I booked with you the following arrived inn the mail.

Would you be so kind to match their offer. They have offered two nights comp and casino rates for the other night, as well as a bump up in their room to a premier room.

Please get back to us.

You should have table play slot play and sportbook play for us.

Thanks

Cory Hoffman

2 pages

Subject: Wrong Treasure Island

From: "Knapp, Lori" <Lori.Knapp@ticasino.com>

Date: Mon, 19 Apr 2004 08:57:42 -0500

To: "'jfh@jacobsonbuffalo.com'" <jfh@jacobsonbuffalo.com>

Joe,

Kim asked me to tell me that he had a voicemail from a Linda Szerbo. This person requested a return call regarding a meeting. Kim called her back at
and her husband told Kim she wanted the GM of Treasure Island
Las Vegas.

Lori

10/14/04-000484

EXHIBIT 4

Services Offered Under TREASURE ISLAND

<u>Service</u>	<u>First Date of Use</u>
Casino Services	January 1, 1990
Restaurant Services	January 1, 1990
Bar Services	January 1, 1990
Live Entertainment Services	At least as early as May 1, 1993
Hotel Services	January 1, 1990
Resort Services	July 16, 1996

Goods bearing the mark TREASURE ISLAND

Clothing, Apparel and Accessories, including but not limited to the following:

Satin Jackets	April 27, 1992
Nylon Jackets	July 27, 1993
Jean Jackets	July 26, 1993
Cotton Sweatshirts	May 18, 1991
Fleece Sweatshirts	October 30, 1992
T-shirts	May 18, 1991
polo shirts	May 18, 1991
Sports Jerseys	October 6, 1992
baseball caps	May 18, 1991
shorts	April 14, 1992
wrist watches	June 18, 1992
visors	June 18, 1992
arm bands	June 18, 1992
bandannas	July 16, 1992
sunglasses	May 18, 1991
bracelets	June 22, 1992
fanny packs	May 18, 1991
wrist pouches	June 18, 1992
shoelaces	June 18, 1992

... , including but not limited to the following:

Pens	May 18, 1992
Pencils	November 19, 1992
"bentcils"	February 7, 1992
Pen and pencil sets	June 18, 1992
Penlites	July 31, 1992
Keylites	April 21, 1992
Keyrings	February 7, 1992
Pocket slot key tags	April 23, 1992
Playing card key tags	April 23, 1992
Coffee mugs	June 18, 1992
Beer mugs	May 13, 1992
Shot glasses	December 2, 1992
Wine glasses	May 13, 1992
Champaign flutes	May 13, 1992
Cordial glassware	October 26, 1992
Bingo cups	October 16, 1992
Stadium cups	June 18, 1992
Coin cups	November 13, 1992
Tube can coolers	June 18, 1992
Matchbooks	May 18, 1991
Travel folder w/calculator	May 18, 1991
Trifold manicure sets	November 15, 1991
Appointment/address books	June 18, 1992
Highway kits	June 18, 1992
Sizzors	June 18, 1992
Flashlights	June 18, 1992
Nail clipper	June 18, 1992
Tape measure	June 18, 1992
Bandage dispenser	June 18, 1992
Pocket binoculars	October 23, 1992
Pocket Scraper	June 18, 1992
Letter openers	November 5, 1992
Potholder	June 18, 1992
Sand timer	June 18, 1992
Cosmetic bags	June 18, 1992
Perfume, eyeliner and lipgloss pursers	December 15, 1991
Buttons	May 26, 1992
Lapel pins	January 11, 1990
Money Clips	May 18, 1991
Tie clips	November 15, 1991
Mini-minder clips	May 26, 1992
Coin holders	June 18, 1992
	June 18, 1992

Large plastic paper clips	July 9, 1992
Lighted buttons	April 13, 1992
Glass ashtrays	May 18, 1991
Lighters	September 27, 1991
Hand-held video poker machines	November 11, 1992
Playing cards	September 21, 1992
Ceramic thimbles	September 15, 1992
Teddy bears	August 17, 1992
Slot machine magnets	February 7, 1992
Poly bags	December 15, 1991
Spoons	September 27, 1991
Stuffed trolls	October 16, 1992
Stuffed parrots	June 12, 1992
Miniature treasure chests	December 13, 1991
Island miniatures	April 13, 1992
Toy ships	May 26, 1992
Candy coins	May 5, 1992
Wet wipes	March 23, 1993
Napkins	March 23, 1993
Bookmarks	November 15, 1991
"Glo-bracelets"	November 15, 1991
Pennants	November 14, 1991
Sports towels	June 18, 1992
Umbrellas	May 21, 1992
Seat cushions	May 26, 1992
Golf tees	April 21, 1992
Slot machine paperweight clocks	December 15, 1991
License plate frames	June 18, 1992
Radios	June 18, 1992
Picnic paks	June 18, 1992
Wooden card boxes	June 18, 1992
Rosewood brief cases	June 18, 1992
Pails	June 18, 1992
Golf "Par Pacs"	July 9, 1992
Golf pencils	June 29, 1992
Vinyl decals	October 14, 1993
Highlighter pens	July 29, 1992
Clocks	June 18, 1992
Screwdriver set	June 18, 1992
Tie tacs	July 20, 1992
Towels	June 18, 1992
Silver mugs	May 18, 1991
Gold key tags	April 21, 1992
Brass key tags	May 18, 1991

Quill pens	February 7, 1992
Ponchos	May 26, 1992
Magnets	May 7, 1992
Video poker game	September 27, 1991
	June 18, 1992

Other Items bearing the mark TREASURE ISLAND

Vehicles, including but not limited to vans	1991
Parade Float	September 21, 1993
Funny Car	March 18, 1993

The above descriptions are in answer to Interrogatory No. 4 of the Respondent's First Set of Interrogatories. The documents attached hereto are in response to Request No. 4 of the Respondent's First Request for Production of Documents and Things.

The First Dates assigned to particular clothing and souvenir items are based on the documents attached hereto. The Petitioner is continuing its investigation and reserves the right to supplement these responses. Moreover, as the documents attached hereto largely reflect ongoing relationships, the Petitioner reserves the right to revise and amend the above-noted estimated dates of first use through witness testimony.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE BEFORE THE TRADEMARK
TRIAL AND APPEAL BOARD

Prairie Island Indian	)	Reg. Nos. 1,949,380;
Community, a federally	)	1955,279; 2,010,396;
recognized Indian Tribe,	)	2,176,004; 1,984,421;
	)	2,040,221; 2,019,481;
Petitioner	)	1,918,033; 1,941,475;
	)	1,966,090; 1,903,619;
vs.	)	1,943,123; 1,949,379;
	)	1,985,968; 2,040,756;
Treasure Island	)	2,040,770; 1,981,369
Corporation,)	
	)	Can. Nos. 28,126; 28,127;
Respondent.	)	28,130; 28,133; 28,145;
	)	28,155; 28,199; 28,248;
	)	28,280; 28,294; 28,314;
	)	28,319; 28,325; 28,342;
	)	28,379; 28,171; 29,174

VIDEOTAPED DEPOSITION OF STEPHEN WYNN

Taken at the Bellagio Hotel & Casino
3600 South Las Vegas Blvd.
Las Vegas, Nevada

On Friday, July 16, 1999
At 9:17 a.m.

Reported by: MONIKA C. COYLE
NV. CCR No. 523
CA. CCR No. 4254

1 Islands of things, of different things. I know of no
2 Treasure Island Hotel and Casino though, until this
3 most recent --

4 Q. Given that, you know, the multitude of
5 uses in the public domain, do you think people would
6 consider that there's an association between Treasure
7 Island here and the operation at Prairie Island by
8 the Prairie Island Community?

9 MR. TRATOS: I'm going to object to the
10 question as it lacks foundation and is calling for
11 speculation on the part of the witness.

12 MR. HAUGEN:

13 Q. You may answer the question.

14 A. When I said that I thought there would be
15 a host of Treasure Islands, I thought there would be
16 a host of things related to the book. I never knew
17 of a hotel or casino. There was one prior to the
18 time that we built ours, and I've never known of the
19 existence of another hotel/casino which, of course,
20 is us to practically everybody in the country.

21 And -- I'm sorry, I lost track of your
22 question.

23 Q. Okay. Do you feel there would be -- that
24 people would associate this facility with the casino
25 operated by the Prairie Island Community under the

1 same name, Treasure Island?

2 A. Well, sure. I mean spent four and a half
3 million dollars producing a movie and buying prime
4 time on Sunday night on NBC, preempted the Steven
5 Spielberg show -- he's a partner of mine -- in order
6 to run Treasure Island The Movie.

7 Q. Okay.

8 A. I mean, the pirate battle has become an
9 icon of Las Vegas to people in and out of the United
10 states. I think we've done a very good job of
11 iconography in identifying, like the volcano in The
12 Mirage, our pirate battle and that Treasure Island is
13 owned by The Mirage in Las Vegas.

14 We worked very hard and I think we must
15 have spent in advertising and other forms close to 25
16 to 40 million dollars doing that. Just pounding it
17 home that Treasure Island is us in Las Vegas.

18 Q. Okay.

19 A. And so I think anybody else that got away
20 with using the name Treasure Island, would be
21 piggybacking on our efforts. And there would be
22 confusion to me I would think. Especially if it was
23 a hotel casino. I wouldn't say that if it was a
24 shopping center or a store or a auto rental place.

25 Q. But certainly a hotel and casino would?

1 A. Yes.

2 Q. I understand.

3 A. Do the Indians have a pirate ship by some
4 strange coincidence?

5 Q. Honestly, I have never been there. I
6 can't answer it yes or no, I'm sorry.

7 A. Do they have a sign that looks like a
8 skull and crossbones, does it resemble our stuff?

9 Q. I don't know. Do you belong to any
10 professional associations?

11 A. Yeah.

12 Q. Which ones are those?

13 A. Nevada Resort Association.

14 Q. Okay.

15 A. American Gaming Association, just sort of
16 the national version of same. I think we belong to a
17 whole bunch of stuff that has to do with travel,
18 travel agency, technical stuff. Construction
19 design. We have our own architecture and interior
20 design company. God knows how many organizations we
21 belong to that are trade organizations, too.

22 Q. Okay.

23 A. But I know about the two big ones.

24 Q. Okay. What is the role, the objective of
25 the Nevada Resort Association in general?